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THE LAW
RELATING TO
COUNTY COUNCILS:

BEING THE
LOCAL GOVERNMENT ACT, 1888,
COUNTY ELECTORS ACT, 1888,
THE INCORPORATED CLAUSES OF THE
MUNICIPAL CORPORATIONS ACT, 1882,

AND A
Compendious Introduction and Notes;

WITH
*ANALYSIS OF STATUTES AFFECTING THE SAME, FINANCIAL STATEMENTS,
ORDERS IN COUNCIL, CIRCULARS, AND A*

COPIOUS INDEX.

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Joint Authors of "The Law of Local and Municipal Government."

THIRD EDITION

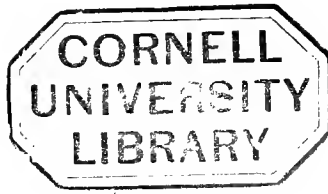
By GEORGE HUMPHREYS, B.A.,
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

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TO THE
RIGHT HONOURABLE W. H. SMITH, M.P.,
&c., &c., &c.,
Leader of the House of Commons,

THIS WORK
IS (WITH HIS PERMISSION) RESPECTFULLY DEDICATED

BY

THE AUTHORS.

PREFACE

TO THE THIRD EDITION.



A FURTHER Edition having been called for, I have taken the opportunity of adding the Order of the Local Government Board of December 14th, 1888, imposing certain duties upon the mayors (or aldermen, as the case may be) and town clerks of boroughs, other than county boroughs, in certain cases at the ensuing elections for county councillors (see pp. 351, 352), and of making a few corrections in the body of the Work.

G. H.

5, PUMP COURT, TEMPLE,
January 1st, 1889.

PREFACE TO THE SECOND EDITION.

THE First Edition of this work having been exhausted within a few weeks of its publication, I have been asked to prepare a Second.

I have added several notes to the incorporated clauses of the Municipal Corporations Act, 1882, with a view of showing, as far as possible, exactly how those clauses are to be read as applied to County Councils. A few other notes have been inserted, and the Index has been revised and enlarged.

I take this opportunity of thanking many members of the profession and others for their kindly commendation of the book and for not a few valuable suggestions.

G. H.

5, PUMP COURT, TEMPLE, *November, 1888.*

PREFACE TO THE FIRST EDITION.

THE object of this work is to explain, in as popular a form as possible, the provisions of the Local Government (England and Wales) Act, 1888.

This Act constitutes a new local authority called the County Council, but does not so much create new as transfer to the new authority existing jurisdiction up to the present exercised by other bodies.

We have, with a view to condensing the work as much as possible, thought it best not to encumber it with a mass of Statutes, but to give references in the notes to the Acts themselves, and also to our work on Local and Municipal Government published in 1885 ("Loc. and Mun. Gov."), which is now re-issued with Addenda bringing the Cases and legislation down to the present time, where all the Acts, with Notes and Cases, will be found set out in full.

These two Works contain together the whole subject of the Local Government of the country.

With a view to rendering the Index as convenient and useful as possible, we have, under the headings "County Electors Act, 1888" and "Municipal Corporations Act, 1882," respectively, given separate sub-indexes to each of these Acts.

We desire to express our thanks to Mr. F. G. RUCKER, Barrister-at-Law, for much valuable assistance.

C. N. B.
G. H.

October, 1888.

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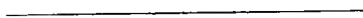


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INTRODUCTION.

THE scope and purpose of the Local Government Act, 1888, may be stated in a few words. The Act has, for the purposes of local government in England and Wales, to which alone it applies, created an entirely new elected body, called the "county council," to which is entrusted the management of the administrative and financial business of the county. The Act has accordingly transferred to the county council (1) the *administrative* (as distinguished from *judicial*) business of quarter sessions (reserving only to the latter certain powers as to the county police, which is to be controlled by a joint committee of the quarter sessions and county council); the powers of justices out of sessions in reference to the licensing of places for stage plays and the execution of the Explosives Act, 1875; the entire maintenance of the main roads of the county; the enforcing within the county of the Rivers Pollution Prevention Act, 1876; and (2) such powers of the Local Government Board and other State departments, and of commissioners of sewers, conservators, &c., as may be determined from time to time by Provisional Orders of the Local Government Board. Thus effect has been given to two great political principles, viz., representation and decentralization. To the local elected county councils have been transferred at once the administrative powers of State-appointed justices and of central State departments.

The Act consists of six parts—Part I (sects. 1—30) deals with the COUNTY COUNCILS, their constitution and powers, and their financial relations with the Exchequer; Part II. (ss. 31—49) with the APPLICATION OF THE ACT TO BOROUGHs,

THE METROPOLIS AND CERTAIN SPECIAL COUNTIES; Part III. (sects. 50—63) with BOUNDARIES, and Part IV. (sects. 64—74) with FINANCE; Part V. (sects. 75—102) is SUPPLEMENTAL; and Part VI. contains certain TRANSITORY PROVISIONS for the purpose of the initial working of the Act.

Previously to the passing of the Local Government Act, 1888, was passed the County Electors Act, 1888, which provided for the qualification and registration of the electors by whom the members of the county councils are to be elected. Though for the purpose of making timely preparations for proposed elections it was found necessary to pass the latter enactment separately, the two Acts form in fact one measure, and are here printed together. It is proposed to give a brief outline of the various provisions of the two Acts, the Local Government Act, 1888, being throughout referred to as “the Act.”

The Constitution of the County Council.

The county for which the new county council is to be elected, and over which it has authority, is the county as bounded for the purpose of the election of members of Parliament at the date of the passing of the Act, except that where an urban sanitary district is situate partly within and partly without the boundary of the county, such district is to be deemed to be within the county which contains the largest portion of the population of the district (sect. 50). The Act makes provision for the alteration of and settlement of differences as to boundaries.

Besides the ordinary counties the Act creates certain special counties. These are—(1) the metropolis, which is named the administrative county of London (sect. 40); (2) certain large boroughs named in the Third Schedule to the Act, which were either counties of themselves or had a population of not less than fifty thousand (sect. 31); and (3) the ridings of Yorkshire, the divisions of Lincolnshire, the eastern and western divisions of Sussex, the Isle of Ely, and the soke of Peterborough (sects. 46—49). The Scilly Islands are not to

be included in any electoral division of the county of Cornwall, and power is given by the Act for the making of a Provisional Order with reference to these islands.

The new county council, which is to be a body corporate by the name of the county council (with the addition of the name of the county), having perpetual succession and a common seal (sect. 79), is to consist of a chairman, county aldermen and county councillors, corresponding to the mayor, aldermen and councillors in a municipal borough divided into wards. (Sects. 1, 2.)

The qualification of a councillor is to be the same as that of a councillor of a borough under the Municipal Corporations Act, 1882 (see sects. 11 and 12 of this Act in the Appendix, *post*), but with this difference, that a person who is a peer owning property in the county, or who is registered as a parliamentary voter in respect of the ownership of property of whatsoever tenure situate in the county, shall be qualified to be a councillor, and that clerks in holy orders and other ministers of religion shall not be disqualified. The county councillors are to be elected for a term of three years, after which they retire together and their places are filled by a new election. The number of councillors for each county is fixed by the Local Government Board. (See the Orders of the Local Government Board in the Appendix, p. 353.) For the purpose of the election of councillors each county is to be divided into electoral divisions, and each division is to return one councillor. Every borough returning one county councillor forms an electoral division. Where a borough returns more than one councillor, the electoral divisions of the borough for that purpose are to be fixed by the council of the borough. The electoral divisions in the rest of the county beyond the boroughs returning councillors are to be determined by the quarter sessions of the county (s. 3 (3)). The apportionment of the councillors for a county between the boroughs and the county at large are fixed by the Local Government Board. (See the Orders of the Local Government Board in the Appendix, p. 353.)

The electors for the purpose of the election of county councillors are, in the *boroughs* of the county, the burgesses enrolled in pursuance of the Municipal Corporations Act, 1882 (see sect. 9 of this Act in the Appendix, *post*), and, *in the rest of the county*, all persons registered as county electors under the County Electors Act, 1888, for which purpose the burgess qualification is extended to all parts of the county outside the boroughs. The latter Act, by sect. 2, *in addition* to the ordinary burgess qualification under sect. 9 of the Municipal Corporations Act, 1882, creates a new qualification, namely, the right to be registered as a voter in respect of a 10% occupation qualification within the meaning of the Registration Act, 1885.

The county aldermen are to be elected by the county councillors. The qualification of an alderman is the same as that of a councillor. The number of county aldermen is one third of the number of county councillors (except in the administrative county of London, where it is not to exceed one-sixth), their term of office is six years, and every third year half their number retire and their places are filled by election, in the same manner as aldermen of boroughs under the Municipal Corporations Act, 1882 (except that the aldermen as such do not vote) (see s. 14 of this Act and s. 2 (2) (c) of Local Government Act, *post*, pp. 2, 181).

The chairman of the county council is to be a fit person elected by the county council from among the county aldermen or county councillors or persons qualified to be such, in the same manner as the mayor of a borough under the Municipal Corporations Act, 1882 (see sect. 15 of this Act in the Appendix, *post*). The term of office of the chairman is one year, and he is, by virtue of his office, a justice of the peace for the county.

Powers of County Council.

The powers conferred by the Act upon the county council may in general terms be said to fall under the five following

heads: namely, (1) powers formerly possessed by quarter sessions and justices out of sessions; (2) powers heretofore exercised by the Local Government Board, certain Government departments, and other bodies; (3) in reference to main roads; (4) under the Rivers Pollution Prevention Act, 1876; and (5) the appointment of coroners and other officers. These various matters are dealt with in sects. 3—19 of the Act.

(1.) By far the most numerous, if not the most important, of the powers of the county council are given by sect. 3 of the Act, which transfers to this new body the *administrative business* formerly transacted by the justices of the county in quarter sessions assembled, and at the same time specifies what matters are included in the expression “administrative business.” Accordingly it will be found that all business done by the quarter sessions or any committee thereof in respect of the making, assessing, levying, and the application and expenditure, of the county, police, hundred or other rates, and the borrowing of money, is now transferred to the county council, by whom also the basis or standard for the county rate is to be prepared and revised. So, too, all business in respect of county buildings, such as the shire and county halls, police stations, assize courts, justices’ rooms, &c., &c., is henceforward to be transacted by the county council, subject only to such use of these buildings by the quarter sessions or justices out of sessions as shall be determined by a joint committee, to be appointed, of the county council and quarter sessions. Further, to the county council now belongs all business formerly transacted by quarter sessions in respect of bridges, and roads repairable with bridges, or vested in the county authority by the Highways and Locomotives Act, 1878. Besides these powers as to bridges, the council are expressly empowered to purchase or take over existing bridges, not being at present county bridges, and to erect new bridges, and to maintain, &c. all bridges so purchased, taken over, or erected. (Sect. 6.) Another very important duty given to the new county council is the business of pro-

viding, maintaining, managing, and visiting pauper lunatic asylums, and for the purpose of adapting the various Acts relating to such asylums to the provisions of this Act, special provisions are made by sect. 86, to which it must here suffice merely to refer. The business, also, of providing, maintaining, and contributing to reformatory and industrial schools is now transferred to the county council. The appointment, removal, and determination of the salaries of the county treasurer, county surveyor, public analysts, officers under the Explosives Act, 1875, and any officer whose remuneration is paid out of the county rate (except the clerk of the peace and the clerks of the justices), are also now vested in the county council; and to the county council belong now the duties of passing the accounts of and the discharge of the county treasurer, and determining the table of fees and costs to be taken by and allowed to any inspector, analyst, or person holding any office in the county. The county council now take the place of the quarter sessions as the authority for the licensing of houses or places for music or dancing; for granting licenses under the Race Courses Licensing Act, 1879; for the registration of the rules of scientific societies and the registration of charitable gifts; for the certifying and recording of places of religious worship under 52 Geo. III. c. 155, and for the confirmation and record of the rules of loan societies under 3 & 4 Vict. c. 110. All business heretofore done by the quarter sessions in respect of the division of the county into polling districts for the purposes of parliamentary elections, the appointment of places of election and for the holding of revision Courts, and in respect of the costs and other matters connected with the registration of parliamentary voters, and also as to the division of the county into coroners' districts, and the assignment of such districts, and in respect of the salary of, and the fees, allowances and disbursements to be paid by, any coroner, whose salary is payable out of the county rate, is henceforward to be transacted by the county council. Further, the county council are now constituted the local authority for the execution of the Acts

relating to contagious diseases of animals, destructive insects, fish conservancy, wild birds, weights and measures, and gas meters, and the Local Stamp Act, 1869. They are also now, in lieu of the justices, the authority for the licensing of places for the performance of stage plays and for the execution of the Explosives Act, 1875. To the county council is, also, transferred all business in relation to any matters arising under the Riot (Damages) Act, 1886.

It may be convenient to state here that the Act (sect. 8) expressly reserves to quarter sessions (1) all business in relation to appeals against the basis or standard for the county rate, or against that or any other rate; and (2) all business not transferred by this Act.

With reference to perhaps the most important item of the administrative business of the justices in quarter sessions assembled, namely, the control of the county police, a compromise has been effected between the rival claims of the quarter sessions and the county councils, and it is accordingly provided by sect. 9 of the Act that the powers, duties, and liabilities formerly vested in or attaching to the quarter sessions shall in the future "vest in and attach to the quarter sessions and county council jointly," and shall be exercised and discharged through a standing joint committee of the two bodies. The joint committee is, by sect. 30, to consist of an equal number of justices and members of the county council appointed by these bodies respectively, the exact numbers being matter of arrangement from time to time between the quarter sessions and the council, or in default of arrangement by a Secretary of State. The joint committee is to elect a chairman. It is, however, provided that the powers conferred by sect. 7 of the County and Borough Police Act, 1856 (19 & 20 Vict. c. 69), which requires constables to perform, in addition to their ordinary duties, all such duties connected with the police as the quarter sessions may direct or require, shall continue to be exercised by the quarter sessions, and may also be exercised both by the county council and by the joint committee. As originally drafted, the Act reserved to the quarter sessions

the appointment, control, and dismissal of the chief constables, but this reservation was struck out in Committee of the House of Commons, and the control of the whole of the county police is now vested in the joint committee, as above stated.

(2.) As the Act originally stood certain powers, &c. of the Local Government Board and other departments were specified in a schedule, and transferred to the new body. Now, however, it will be found that a large and sweeping power is given to the Local Government Board of conferring by Provisional Order upon the county council duties of an administrative and local character. For by sect. 8 of the Act the Local Government Board are empowered by Provisional Order to transfer to the county council (with such exceptions and modifications as appear expedient) any powers of an administrative character and relating to matters arising within the county, which are by any statute conferred upon the Privy Council, a Secretary of State, the Board of Trade, the Local Government Board, or the Education Department, or any other Government department, or any commissioners of sewers, conservators, or other public body, other than a municipal corporation, an urban or rural sanitary authority, a school board, or a board of guardians. Before any order under this section is made the draft of the order must be approved by the body whose powers, &c. are thereby transferred, and the order must be confirmed by Parliament. Powers, &c. which relate to several counties may be transferred to the councils of those counties jointly, and may be exercised or discharged by a joint committee of the councils.

The county council have power by provisional order to authorize the compulsory purchase of land under the Allotments Act, 1887 (50 & 51 Vict. c. 48), ss. 3, 16.

(3.) Next, perhaps, in importance to the police of the county is the maintenance of its roads, and in this matter very large powers and duties are transferred to the council. This subject is dealt with by sect. 11 of the Act (special provisions being made as to the Isle of Wight by sect. 12, and as to South Wales by sect. 13). It is by sect. 11 provided that for the future the county council shall be responsible for the

entire maintenance, improvement of, and other dealing with the main roads of the county, as well as of its bridges, charging the costs to the general county account. But the county council may require any highway authority to undertake these duties in respect of any main road within their district, in consideration of an annual payment to be agreed upon or settled by arbitration; and, on the other hand, any urban authority may claim to retain these duties in respect of any main road within its district, in the same way as if it were an ordinary road vested in them, and in that event the county council are to pay to the urban authority an annual contribution to be agreed upon or determined by the Local Government Board after inquiry. Where, however, any part of a main road undertaken to be repaired by a highway authority is out of repair, the county council may give notice requiring the road to be placed in proper repair, and if this is not complied with may themselves do the repairs, and the expenses shall be a debt from the highway authority to the county council.

The county council are specially empowered to contribute to the costs of the maintenance and improvement of any highway or public foot-path in the county, though not a main road.

It is provided that for the purpose of executing these enactments as to main roads and bridges, the Acts relating to these matters shall apply.

Where a highway authority order a road to become a main road, the order is not to take effect until the road has been put in proper condition to the satisfaction of the council.

Sect. 20 of the Highways and Locomotives (Amendment) Act, 1878, is, however, by the Act specially applied, so that in a county where some of the bridges are repairable by the hundreds within the county, a part of a main road may be declared to be repairable by a hundred, and the expense raised in the same way as the expense of repairing the hundred bridges.

(4.) The complaint has not infrequently been made that

the Rivers Pollution Prevention Act, 1876, has hitherto to all intents and purposes remained a dead letter. The county council are now, in addition to any other authority, empowered to enforce the provisions of that Act, or to contribute to the costs of any prosecution under the Act, whether by another council or by any urban or rural sanitary authority. Some attempt, therefore, to give life to the provisions of this stringent enactment may be looked for in the future.

(5.) By sect. 5 of the Act the appointment of coroners is for the future vested in the county council, subject to the provisions of that section; but it is enacted that the coroner shall not be qualified to be elected a county alderman or county councillor of the county of which he is coroner.

The council have, by sect. 15 of the Act, the same powers of *opposing* Bills in Parliament, and of prosecuting and defending legal proceedings necessary for the promotion and protection of the interests of the inhabitants of the county, as the council of a municipal borough have under the Borough Funds Act. But the London county council, as successors of the Metropolitan Board of Works (sect. 40 (8)), will possess such powers of *promoting* Bills in Parliament as belonged to the latter body.

The Act gives to the council a general power to make bye-laws for the county, or any part thereof, for the good rule and government of the county, and for the prevention and suppression of nuisances not already punishable in a summary manner, but it is provided that these bye-laws are not to take effect within any borough (sect. 16). Special power to make bye-laws for regulating the use of bicycles, tricycles, velocipedes, &c., is given by sect. 85.

Lastly, the Act generally provides that all duties and liabilities of the inhabitants of the county shall become and be duties and liabilities of the council of the county.

Officers of the County Council.

It has already been stated that the county council has now, under sect. 3 (x), the power to appoint, remove and deter-

mine the salaries of the county treasurer, county surveyor, public analysts, officers under the Explosives Acts, and any officers (other than the clerk of the peace and the clerks of the justices) whose remuneration is paid out of the county rate. In addition to this the council has also the power (sect. 17) of appointing a medical officer or officers of health, who must be qualified in the manner prescribed by sect. 18 of the Act. (See sects. 17—19.)

Subject to the provisions of the Act as to existing officers (sects. 118—120), the clerk of the peace of the county is to be the clerk of the county council, and he is to be appointed by the joint committee of the county council and the quarter sessions, by whom also he may be removed (sect. 83). The joint committee may appoint also a deputy clerk (sect. 83 (4)). Special provisions in reference to these matters are, by sub-sections. (7), (8), (9), and (10), made with regard to Sussex, Suffolk, Yorkshire, Lincolnshire, &c. As to the metropolis, the clerk of the peace of the county of London is to be a separate officer from the clerk of the council of the administrative county of London (sect. 83 (11)), and a deputy clerk may be appointed by the latter body (sect. 83 (11) (b)). The officers of the Metropolitan Board of Works are to become the officers of the London county council (sect. 118 (14)).

As to the salaried clerks of petty sessional divisions, they are to be appointed and removed as heretofore (s. 84), and their salaries are to be paid as directed by sect. 84 (2).

By sect. 119 it is provided that officers who by virtue of the Act are transferred to the county council, and the chief and other constables of any police force, &c., shall hold their offices by the same tenure, and be entitled to the same pension as if the Act had not passed.

Compensation is to be made to existing officers (defined by sect. 118 (2)) whose office may be abolished by the county council.

It must be added, that no paid clerk or paid official in the permanent employment of a county council, who is required

to devote his whole time to such employment, is eligible to serve in Parliament.

Financial relations between Exchequer and County, and Contribution by County for Costs of Union Officers.

There are, it has long been acknowledged, a variety of matters—notably police and main roads—which, though at first sight they appear to be purely local, are yet in truth to a greater or less extent matters of imperial concern, the burden of which, therefore, should at least be shared by the country at large, and not thrown wholly upon the shoulders of the local taxpayer. The system hitherto employed of meeting this difficulty, and affording relief out of imperial taxation to the local taxpayer, has been by means of grants from the imperial exchequer in aid of local rates. But complaints as to the inconvenience and inadequacy of these grants have long been rife, and, accordingly, it will be found that upon the question of the financial relations between the Exchequer and the local authority, a large reform has been introduced, and not only have new means of relieving local taxation been devised, but the measure of relief has at the same time been substantially augmented. The provisions of the Act upon this subject are contained in sects. 20—27; but in order to gain an idea of the practical result of these provisions as a matter of figures, it will be necessary to refer to the financial statement issued by the Local Government Board, which will be found printed in the Appendix. A general statement of the provisions of the Act and their effect must here suffice.

Hitherto grants in aid of local taxation, amounting altogether to upwards of two and a half millions, have been made in respect of police, disturnpiked and main roads, pauper lunatics, criminal prosecutions, poor law medical officers, medical officers of health and inspectors of nuisances, teachers in poor law schools, registrars of births and deaths, grants to school boards, and awards to public vaccinators. These grants in aid of local taxation (or local grants) are

henceforward to cease, and in lieu thereof there are transferred to the county councils throughout the country the proceeds of the duties on certain licences and of a portion of the probate duty, estimated to amount altogether to upwards of five and a half millions. The licences—the duties on which are thus transferred—are termed in the Act *local taxation licences*. They will be found set out in the First Schedule to the Act. They are—

(a) Licences for the sale of intoxicating liquors—*i. e.*

(1) Licences for sale for consumption on the premises—namely, retailers of spirits (publicans), beer and wine, and occasional licences for these, retailers of beer and wine, cider, and sweets; and (2) Licences for sale by retail by persons not licensed to deal in intoxicating liquors for consumption off the premises, namely, retailers of beer, wine, beer and wine, table beer, cider, and sweets.

(b) Licences to deal in game.

(c) Licences for dealers in beer, spirits, sweets, wine, tobacco, horse and plate dealers, refreshment-house keepers, carriages, trade carts, locomotives, horses and mules, armorial bearings, male servants, hawkers, house agents, pawnbrokers, auctioneers, appraisers, dogs, killing game, and guns. The proceeds of these licences are to be paid by the Commissioners of Inland Revenue into the Bank of England to an account to be called the Local Taxation Account, and the amount certified by the commissioners to be collected in each county is to be paid out to the council of the county. It is provided that the power of levying the above duties may hereafter, upon the recommendation of the Treasury, be transferred by Order in Council to the council itself of each county, who for that purpose are, generally speaking, to have all the powers of the Commissioners of Inland Revenue. Besides the local taxation licences, there is to be paid, as already stated, to the county council by the Commissioners of Inland Revenue a portion of the probate duties, namely, “four fifth parts of one-third of the proceeds of the sums collected by them” in respect of those duties. This is called the Probate Duty Grant.

This grant is to be distributed among the several counties in proportion to the share which the Local Government Board certify to have previously been received by each county out of the grants in aid of local taxation. The six counties of South Wales and the Isle of Wight are to receive also a sum in respect of the maintenance of the roads in those places.

The application by the county council of the sums received by them out of the local taxation licences and the probate duty grant is dealt with by sects. 23 and 24 of the Act. These sections provide that all such sums are to be paid to the county fund to an account to be called the Exchequer Contribution Account, and are to be applied as follows and in the following order :—

(1.) In paying the costs incurred in respect of, or chargeable on, the Exchequer Contribution Account.

(2.) In making payments in substitution for the grants heretofore made in aid of local taxation, namely, in respect of police, maintenance of pauper lunatics, teachers in poor law schools, public vaccinators, medical officers of health, &c. These payments, and the authorities or funds to which they are to be paid, are specified by sect. 24, sub-sect. (2).

(3.) In payment of an annual sum for the costs of the officers of every poor law union wholly or partly in their county. (See sect. 26.) This does not apply to the London County Council.

(4.) In repaying to the general county account of the county fund the costs on account of general county purposes, for which the whole of the area of the county is liable to be assessed to county contributions.

If any surplus remains, such proportion of the surplus as the total rateable value of the area of each quarter sessions borough exempt from contributing to any special county purpose bears to the rateable value of the whole county, shall be paid to the council of the borough, and the remainder shall be applied—(1) towards repaying to the proper special accounts of the county fund the costs on account of which the area of the county, exclusive of such quarter sessions

boroughs, is liable to be assessed to county contributions; and (2) in paying to the council of each borough not being one of the quarter sessions boroughs before mentioned, or the sanitary authority of each town maintaining a separate police force, or the sanitary authority of any part of the county situate within the Metropolitan Police District, such proportion as the total rateable value of the area of the borough or town bears to the rateable value of the whole county, after deducting the rateable value of the quarter sessions boroughs.

If after these payments there be any excess beyond what the county council consider necessary to carry forward to the next account, it shall be divided among the urban or rural sanitary authorities (not being boroughs to which a payment has already been made) in proportion to the rateable value of the area of each district.

Provision is made by sect. 25 for the forfeiture of the contributions to the maintenance of the county or borough police, as the case may be, in the event of a secretary of state withholding his certificate as to their efficiency.

Finance.

Having now explained how the county council is constituted, and what are its powers and duties, it remains to state briefly the resources (in addition to the local taxation licences and probate duty grant, which have been already dealt with) from which the expenditure of the new bodies is to be met, and generally the provisions of the Act with reference to their finances. These provisions will be found in Part IV. (sects. 64—74) of the Act.

In the first place, all the property of the quarter sessions of the county, or held on their behalf for any public uses and purposes of the county (with the exception of the records and private pictures of the quarter sessions, and any property belonging to a charity), is to vest in and to be held in trust for the county council, who are at the same time made liable for all debts and liabilities of the quarter sessions, &c., incurred

for county purposes. This applies, with the necessary modifications, to the councils of the administrative counties of Sussex and Suffolk, the ridings and divisions of York and Lincoln, and the soke of Peterborough.

In the next place, power is by sect. 68 given to the county councils to levy (1) *county contributions, to be assessed on all the parishes of the county*; and (2) *county contributions, to be assessed on particular parishes only*. These contributions are to be carried to the county fund, out of which all payments are to be made. The account to which the contributions from all the parishes are to be carried is called the *general county account*; that to which the contributions from particular parishes are to be carried is called the *special county account*. Out of the general county account the general expenses, that is, the expenses for *general county purposes*, are met; the *special county account* meets the costs for *special county purposes*, that is, any purposes from contribution to which any portion of the county is exempt, or where the expenditure is restricted to a hundred, division, or limited part of the county. In determining the amount of expenditure for any county purpose, general or special, a proper proportion of the cost of the officers, buildings, &c., of the county council may be taken into account (sect. 68 (8)). County contributions may be retrospective, so as to meet costs incurred or become payable within six months before the demand of the contributions.

Lastly, the council are, by sect. 69, empowered to borrow, but with the consent of the Local Government Board only, for the purpose of consolidating the debts of the county, purchasing lands, erecting buildings, effecting permanent works, for "making advances in aid of the emigration or colonization of inhabitants of the county, with a guarantee for repayment from any local authority in the county, or the government of any colony," &c. These loans may be raised by the issue of county stock (sects. 69 (8) and 70), or by debentures or annuity certificates under the Local Loans Act, 1875, or, if there be special reasons, by mortgage; but

all loans must be repaid within a period not exceeding thirty years.

Power to purchase lands is expressly given to the council by sect. 65.

The costs of justices in quarter sessions or out of sessions are, by sect. 66, to be paid out of the county fund.

A finance committee, for regulating and controlling the finance of the county, must from time to time be appointed by every county council (sect. 80).

An annual audit of the accounts of the county council is directed by sect. 71; and sect. 74 provides for an annual estimate of receipts and expenses, or budget, being submitted to the council at the beginning of every local financial year, which is to be changed within the next three years from the twelve months ending the 25th to the twelve months ending the 31st of March.

All payments to and out of the county fund are to be made to and by the county treasurer. Unless made in pursuance of the requirements of an Act of Parliament or of an order of a competent Court, all payments out of the fund are to be made upon an order of the council, signed by three members of the finance committee, and countersigned by the clerk of the council, and must comply with the requirements of sect. 80.

Application of Act to the Metropolis.

As has been already stated, the Metropolis is, for the purposes of the Act, created a county, by the name of "The administrative county of London." The Act, however, by sects. 40—45 (see also sects. 88, 91, 93—96), makes certain special provisions with regard to the Metropolis and the City of London, which demand some further notice. In the case of the ordinary county the administrative business is to be transacted by the county council, and the non-administrative business by the justices of the county. In the case of the Metropolis, however, while the administrative business of the

Metropolis (including therein the City of London) is to be transacted by the London county council, for non-administrative purposes there are to be, for the present, at least, two counties—(1) the county of London, which consists of those parts of the Metropolis at present situated in the counties of Middlesex, Surrey, and Kent; and (2) the county of the City of London. The county of London is a thing entirely new, and her Majesty is by the Act authorized to appoint a sheriff of, and grant a commission of the peace and court of quarter sessions to, that county; and if the London county council petition her Majesty, her Majesty may appoint a paid chairman or deputy chairman of these quarter sessions. The enactments as to the times for holding Middlesex Sessions and the appointment of paid assistant judge, &c. of those sessions, are to cease.

The Central Criminal Court Act is to apply to the county of London as if it were therein mentioned, as well as the county of Middlesex, and the County Juries Acts are also to apply. As regards the county of the City of London, until the mayor, commonalty, and citizens assent to the new quarter sessions of the county of London having jurisdiction in the City of London, the latter shall remain for non-administrative purposes a separate county, and shall have (through the common council) such powers, duties and liabilities, as if the city were a quarter sessions borough with a population not exceeding ten thousand. The sheriffs of the City of London shall not have any authority, except in the city. The quarter sessions for the county of London are substituted for the general assessment sessions under the Valuation (Metropolis) Act, 1869, but upon the hearing of appeals in relation to property in the City of London, two members of the court of quarter sessions of the city shall be entitled to sit as members of the Court.

The powers, duties, and liabilities of the Metropolitan Board of Works, which is to cease to exist, are to be transferred, together with the officers of the Board (see *ante*, p. xxi.), to the London county council, but the property,

debts or liabilities of Kent, Surrey, and Middlesex, are transferred only according to the proportion which so much of these counties as is situated within the Metropolis bears to so much as is situated out of the Metropolis. (Sect. 40, sub-sect. (7), and sect. 90.)

Special provisions are made by sect. 41, so as to allow the provisions of the Act as to main roads to be applied to the Metropolis.

The parishes of the City of London are not to be assessed to county contributions in respect of costs incurred by the county council for any purposes for which the common council were previously not liable to contribute; but the costs of assizes and sessions are to be a general county purpose, for which those parishes are to be assessed to county contributions. (Sect. 41, sub-sects. (3), (5).)

As to the constitution of the county council, the number of councillors is to be 118, that is, double the number of members of parliament for the metropolitan boroughs, and the number of aldermen is not to exceed *one-sixth* of the county councillors (sect. 40, sub-sects. (4), (5)); but the county councillors for the city are not to act or vote in respect of any question regarding matters involving expenditure on account of which the parishes in the city are not liable to be assessed to county contributions. The Act specially provides for the appointment and remuneration of a deputy chairman, who is to hold office during the term of office of the chairman.

As to the qualification of the electors for the London county council, it is the same as that of the electors for the other county councils, except that as regards residence it will be sufficient if, being qualified in other respects, they reside within fifteen miles of the new administrative county.

The future appointment of the recorder (if he is to exercise judicial functions), common serjeant, and judge of the City of London Court, is vested in the Crown.

The Militia Acts apply to the whole of the new county of London in the same manner as they apply to any county at large, and her Majesty is to appoint a lieutenant of the

county of London; as regards these matters the City of London continues to be a separate county. (Sect. 91.)

Application of the Act to Boroughs.

It has already been stated that a number of boroughs are by sect. 31 created counties in themselves. For the purpose of applying the provisions of the Act to these cases, special provisions are made by sect. 34, into which it is unnecessary to enter in detail. As to the adjustment of the financial relations, particularly respecting the distribution of the local taxation licences, and the probate duty grant, between the counties and these county boroughs, provision is made by sect. 32 for an equitable settlement of all questions, in the event of disagreement, by the commissioners appointed under sect. 61, and for readjustment, if necessary, every five years. The creation of these new county boroughs is not, however, to prevent the continuance of one police force for any county and county borough; and for the purpose of calculating any contributions or payments, the rateable value of the county and county borough is to be fixed by a joint committee, and in case of disagreement by the Local Government Board. (Sect. 33.)

As to the application of the Act to other boroughs, it must here suffice to say that this matter is dealt with—as to the larger quarter sessions boroughs, by sect. 35; as to boroughs with a separate commission of the peace, by sect. 36; as to future quarter sessions boroughs, by sect. 37; as to quarter sessions boroughs with a less population than 10,000, by sect. 38; and as to boroughs generally with a less population than 10,000, by sect. 39.

Supplemental and Transitory Provisions.

The supplemental provisions are contained in Part V. of the Act (sects. 75—102); the transitory provisions in Part VI. (ss. 103—126); and these two Parts complete the Act. The principal supplemental provisions have already

been referred to under the various heads in the course of the preceding remarks. The attention of the reader must, however, be called to the interpretation clause (sect. 100), which he will do well to peruse at the earliest opportunity. It will be remarked from the definition of the expressions "district council" and "county district," that it is intended at no distant date to pass into law provisions corresponding to those contained in the original bill, but dropped in committee, with respect to the formation of county districts.

The transitory provisions deal with the following subjects:—first elections (sects. 103—108); appointed day (sect. 108); transitional proceedings, viz., as to current rates, jury lists, &c. (sect. 110); lunatic asylums (sect. 111); and the Contagious Diseases (Animals) Acts (sect. 112); transitory provisions as to the Metropolis, viz., as to the sheriffs of London and Middlesex (sect. 113), the existing coroners for Middlesex, Surrey, and Kent (sect. 114), the commission of the peace for London (sect. 115), places for holding quarter sessions (sect. 116), existing justices in the Metropolis (sect. 117); existing officers (sects. 118—120); temporary provision as to grant from Exchequer (sect. 121); savings, viz., as to existing securities and discharge of debts (sect. 122), existing bye-laws (sect. 123), pending actions, contracts, &c. (sect. 124), and as to charters, local Acts, &c. (sect. 125); and repeals. Some of these matters have already been treated of, and as to the rest but few remarks are necessary.

The appointed day for the coming into operation of the Act generally is the *1st of April* next, or such earlier day or days as the Local Government Board may appoint. The day fixed for the *first election* of county councillors is, however, to be in *January* next, *not earlier than the 14th* (sect. 103); but the persons elected do not enter upon their duties as county councillors until the appointed day. In the meantime they are to act as a provisional council for bringing the Act into operation. Their first meeting for this purpose is fixed by the Act for *the second Thursday next after the day fixed for the first election*. At their *first meeting* they are to elect a chairman of that

meeting and of their second meeting, and at the same first meeting, or some adjournment thereof, they are to elect the county aldermen, who are to form part of the provisional council at the second meeting. At the *second meeting* of the provisional council (which will then consist of the county councillors and county aldermen) a properly qualified person is to be elected chairman of the provisional council. This chairman after the appointed day is to be chairman of the county council until the next ordinary day of election of chairman. The same arrangement holds as to the vice and deputy chairman. (Sect. 105.)

The provisional council are entitled to use the buildings belonging to the quarter sessions and the clerk of the peace and his officers; and the officers of the quarter sessions are, if required, to act as the officers of the provisional council. (Sect. 106.)

Such is a brief outline of the large and intricate provisions of the Acts of the present Session of Parliament for the establishment of county councils. For the details of these important measures the reader must refer to the various sections of the Acts themselves. To enable him to do so the different sections bearing upon each subject mentioned have throughout the above remarks been carefully noted. An introduction to a work of the present description should be compendious, and should, as far as possible, avoid details: this has been kept in view in writing the present Introduction, and it is hoped that what has been written may prove useful in assisting the reader to grasp readily the sense and purport of the elaborate provisions of the two enactments, which form the subject of this work.

November, 1888.

LOCAL GOVERNMENT

(ENGLAND AND WALES).

51 & 52 VICT. c. 41.

An Act to Amend the Laws relating to Local Government in England and Wales, and for other purposes connected therewith. [13th August, 1888.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

COUNTY COUNCILS.

Constitution of County Council.

s. 1.

1. A council shall be established in every administrative county (*a*) as defined by this Act, and be entrusted with the management of the administrative and financial business of that county, and shall consist of the chairman, aldermen and councillors.

Establishment
of county
council.

(*a*) That is, by sect. 50, *post*, p. 73, the county as bounded at the passing of this Act for the election of members to serve in parliament for the county, subject to the provisions in that section as to urban sanitary districts partly within and partly without the county. By sect. 100, *post*, p. 124, "county" does not include county of a city or town. By sect. 31, *post*, certain large boroughs are for the purposes of the Act constituted counties, and the mayor, aldermen and burgesses of these boroughs are, subject to the necessary modifications, made subject to all the powers, duties, and liabilities of a county council. By sect. 46, the ridings of Yorkshire and the divisions of Lincolnshire are to be separate counties for the purposes of the Act. Liberties and franchises of a county are to form part of the county of which they form part for the purposes of parliamentary elections. (Sect. 48.)

B.

B

30

s. 2.

Composition
and election
of council and
position of
chairman.

2.—(1.) The council of a county (*b*) and the members thereof shall be constituted and elected and conduct their proceedings in like manner, and be in the like position in all respects, as the council of a borough divided into wards (*c*), subject nevertheless to the provisions of this Act (*cc*), and in particular to the following provisions, that is to say (*d*):—

(*b*) See sect. 1.

(*c*) As to the constitution of the council of a borough (which consists of mayor, aldermen, and councillors), see sects. 10—16 of the Municipal Corporations Act, 1882 (Local and Municipal Government, pp. 272, 273), and Appendix, *post*, pp. 179—182.

As to the election of the members of a municipal corporation, see ss. 50—76 of the Mun. Corporations Act, 1882 (Local and Municipal Government, pp. 283—285), and *post*, pp. 201—211. By the Elections (Hours of Poll) Act, 1885 (48 & 49 Vict. c. 10), the poll now commences at eight in the forenoon and closes at eight in the afternoon of the day of election.

As to corrupt practices at municipal elections and election petitions, see Mun. Corporations Act, 1882, ss. 77—104, *post*, pp. 211—229, and the Municipal Corporations (Corrupt Practices) Act, 1884 (47 & 48 Vict. c. 70) (Loc. and Mun. Gov., pp. 1298—1312).

As to proceedings generally of council of borough, see sect. 22; and as to legal proceedings, sects. 219—227 of the Municipal Corporations Act, 1882 (Local and Municipal Government, p. 275, and pp. 338—342), and Appendix, *post*, pp. 231—237.

(*cc*) See sect. 75, *post*, pp. 100 *et seq.*

(*d*) These provisions do not apply to a borough which is a county by itself. (Sect. 34, (3), (*a*).)

(2.) As respects the aldermen or councillors—

(*a*) clerks in holy orders and other ministers of religion shall not be disqualified for being elected and being aldermen or councillors (*e*).

(*b*) a person shall be qualified to be an alderman or councillor who, though not qualified in manner provided by the Municipal Corporations Act, 1882, as applied by this Act (*f*), is a peer owning property in the county, or is registered as a parliamentary voter in respect of the ownership of property of whatsoever tenure situate in the county.

(*c*) the aldermen shall be called county aldermen, and the councillors shall be called county councillors (*g*); and a county alderman shall not as such vote in the election of a county alderman.

(*d*) the county councillors shall be elected for a term of

three years, and shall then retire together, and their places shall be filled by a new election ; and

- (e) the divisions of the county for the purpose of the election of county councillors, shall be called electoral divisions (*h*) and not wards, and one county councillor only shall be elected for each electoral division.

(e) This removes the disqualification, so far as the county council is concerned, imposed upon clergymen and dissenting ministers in the case of municipal corporations by sect. 12 (b). Municipal Corporations Act, 1882, Appendix, *post*, p. 180.

(*f*) *Vide* sects. 11 and 12. Municipal Corporations Act, 1882, Appendix, *post*, pp. 179, 180.

(*g*) County aldermen must possess the same qualification as an alderman of a borough, as to which see the Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50), sect. 14 (Local and Municipal Government, p. 273) ; and county councillors must possess the same qualification as a councillor of a borough, as to which see the Municipal Corporations Act, sects. 11 and 12 (Local and Municipal Government, p. 272). By sect. 35 (6), *post*, p. 53, county councillors elected for a division consisting of a county borough (*vide* sect. 31), or of some part of such borough, shall not act or vote in respect of any question as regards matters involving expenditure on account of which the parishes in the borough are not liable to be assessed equally with the rest of the county to county contributions.

(*h*) See the directions for the constitution of electoral divisions, sect. 51, *post*.

(3.) As respects the number of the county councillors, and the boundaries of the electoral divisions in every county—

- (a) the number of the county councillors, and their apportionment between each of the boroughs which have sufficient population to return one councillor and the rest of the county, shall be such as the Local Government Board may determine ; and
- (b) any borough returning one councillor only shall be an electoral division ; and
- (c) in the rest of the county the electoral divisions shall be such as in the case of a borough returning more than one councillor the council of the borough, and in the rest of the county the quarter sessions for the county, may determine, subject in either case to the directions enacted by this Act ; and in the case of elections after the first, to any alterations made, in

accordance with the said directions, in manner in this Act mentioned.

- (4.) As respects the electors of the county councillors—
the persons entitled to vote at their election shall be, in a borough, the burgesses enrolled in pursuance of the Municipal Corporations Act, 1882 (*i*), and the Acts amending the same, and elsewhere the persons registered as county electors under the County Electors Act, 1888 (*k*).

45 & 46 Vict.
c. 50.

51 & 52 Vict.
c. 10.

(*i*) See the Municipal Corporations Act, 1882, sects. 9 and 44—49 (Local and Municipal Government, pp. 271, 282, 283).

(*k*) See the County Electors Act, 1888, *post*, p. 164.

- (5.) As respects the chairman of the county council—
(a) he shall be called chairman instead of mayor (*kk*): and
(b) he shall, by virtue of his office, be a justice of the peace for the county (*l*); but before acting as such justice he shall, if he has not already done so, take the oaths required by law to be taken by a justice of the peace other than the oath respecting the qualification by estate.

(*kk*) As to the qualification, term of office, &c. of the chairman, see sect. 15 of Municipal Corporations Act, and notes thereto, *post*, p. 182.

(*l*) The qualification for a justice of the peace for a county is the possession for his own use of a freehold, copyhold, or customary estate for life, or for some greater estate, or for some long term of years determinable upon one or more life or lives, or for a certain term originally created for twenty-one years or more in lands, tenements, or hereditaments of the clear yearly value of 100*l.* over and above all incumbrances and rents and charges payable out of or in respect of the same (18 Geo. II. c. 20, s. 1); or the being seised of or entitled to the immediate reversion or remainder of lands, tenements, or hereditaments, which are leased for one, two, or three lives, or for any term of years determinable upon the death of one, two, or three lives, upon reserved rents, and which are of the clear yearly value of 300*l.* (18 Geo. II. c. 20, s. 1); or being of full age, and for two years immediately preceding his appointment in the occupation of a dwelling-house assessed to the inhabited house duty at the value of not less than 100*l.*, and during that time rated to all rates and taxes in respect of the premises (38 & 39 Vict. c. 54, s. 1). Peers, and the eldest sons of peers, and members of the Privy Council, are also qualified (18 Geo. II. c. 20, s. 13).

- (6.) The county council may from time to time appoint a member of the council to be vice-chairman, to hold office during the term of office of the chairman, and,

subject to any rules made from time to time by the county council, anything authorized or required to be done by, to, or before the chairman may be done by, to, or before such vice-chairman.

Powers of County Council.

3. There shall be transferred to the council of each county on and after the appointed day, the administrative business of the justices of the county in quarter sessions assembled, that is to say, all business done by the quarter sessions or any committee appointed by the quarter sessions, in respect of the several matters following (*m*), namely,—

Transfer to county council of administrative business of quarter sessions.

- (i) The making, assessing, and levying of county (*n*), police (*o*), hundred (*p*), and all rates, and the application and expenditure thereof, and the making of orders for the payment of sums payable out of any such rate or out of the county stock or county fund, and the preparation and revision of the basis or standard for the county rate;

(*m*) By sect. 28 (1), *post*, p. 42, the county council, as respects the business transferred to them from quarter sessions, are made subject to all the powers, duties, and liabilities which the quarter sessions or any committee thereof were subject to in respect of the business so transferred.

By sect. 28 (2), *post*, p. 42, the county council may delegate, with or without any restrictions or conditions, as they may think fit, any powers or duties transferred to them by the Act, either to the justices of the county sitting in petty sessions or to any committee of the county council appointed in pursuance of the Act, or to any district council, except powers of raising money by rate or loan, or connected with the licensing of premises for the sale of intoxicating liquor or for public billiard tables.

As to the transfer to the county council of the powers, &c., of quarter sessions of boroughs having a separate commission of the peace, see sect. 36, *post*.

The provisions of this section apply to the liberties and franchises of the county. (Sect. 48 (2).)

(*n*) As to the business done by quarter sessions in respect of a *county rate*, provision is made by the Act 15 & 16 Vict. c. 81. It must be stated, however, that parts of this Act are now repealed: viz., sect. 1, and sect. 52, from “or under an Act” to “employment of the poor,” are repealed by 38 & 39 Vict. c. 66; sect. 38, by the Municipal Corporations Act, 1882, s. 5 (Local and Municipal Government, p. 269); and sect. 46, by the Summary Jurisdiction Act, 1884, s. 4.

The Union Assessment Committee Act, 1862, does not apply to

assessment or basis made by committee of justices [county council]. 29 & 30 Vict. c. 78.

By 29 & 30 Vict. c. 78, s. 2, the printed lists of the parishes and places assessed, and the amount of the rateable value at which they are assessed, need only be sent when a new basis or alteration in the existing basis for a county rate has been allowed and confirmed.

(o) The making, &c., of the police rate is provided for by 3 & 4 Vict. c. 88; 7 & 8 Vict. c. 33. Grants in aid of the police are now discontinued.

(p) Formerly, in certain cases of damage to property the hundred was required to make compensation. (7 & 8 Geo. IV. c. 31, s. 2, and 2 & 3 Will. IV. c. 72 (both now repealed; note (s), p. 11, *post*); 24 & 25 Vict. c. 97, s. 11; 17 & 18 Vict. c. 104, s. 477; *Barwell v. Winterstoke*, 14 Q. B. 704; *Drake v. Footit*, L. R. 7 Q. B. D. 201.) The rate was raised in the same way, and at the same time as the county rate. (7 & 8 Geo. IV. c. 31, s. 7.)

(ii) The borrowing of money (q);

(q) This business may not be delegated to a committee. Sect. 28 (3), *post*. Generally, as to the borrowing powers of quarter sessions, see the Local Loans Act, 1875, 38 & 39 Vict. c. 83. (See *Local and Municipal Government*, p. 1206.) Now, by 48 & 49 Vict. c. 30, s. 4, loans borrowed under that Act may be discharged by a sinking fund. As to borrowing for purposes of county bridges, see 4 & 5 Vict. c. 49, and 43 & 44 Vict. c. 5; lunatic asylums, see 16 & 17 Vict. c. 97, ss. 46—52. See, also, Public Works Loans Act, 1875, 38 & 39 Vict. c. 89. (See *Local and Municipal Government*, p. 1216.)

(iii) The passing of the accounts of and the discharge of the county treasurer (r);

(r) See 12 Geo. II. c. 29, ss. 7, 8, 9.

(iv) Shire halls (s), county halls (s), assize courts (s), judges lodgings (s), lock-up houses (t), court houses (u), justices rooms (v), police stations (w), and county buildings, works, and property, subject as to the use of buildings by the quarter sessions and the justices to the provisions of this Act respecting the joint committee of quarter sessions and the county council;

(s) As to building, &c., shire and county halls, assize courts, and judges' lodgings, see 7 Geo. IV. c. 63, ss. 3, 4, 5, 9, 15; and as to borrowing for purpose of, *ibid.* sects. 10, 11, 12. See, also, 7 Will. IV. & 1 Vict. c. 24, ss. 1, 2, 3; and 10 & 11 Vict. c. 28, s. 1. As to the purchase of houses or buildings for judges' lodgings, see 2 & 3 Vict. c. 69, s. 1.

(t) As to providing lock-up houses, and a superintending constable thereof, see 5 & 6 Vict. c. 109, s. 22, and 13 & 14 Vict. c. 20, s. 6. See, also, the Public Works Loans Act, 1875, s. 40 (*Local and Municipal Government*, p. 1225).

(u) See note (s), *supra*, as to shire halls. As to providing court houses for petty sessions, see 12 & 13 Vict. c. 18, ss. 2, 3.

(v) See 12 & 13 Vict. c. 18, ss. 2, 3, and the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49), s. 30. See, also, the Public Works Loans Act, 1875, s. 40. (Local and Municipal Government, p. 1225.)

(w) As to providing police stations, see 3 & 4 Vict. c. 88, s. 12, and 19 & 20 Vict. c. 69, s. 23. As to borrowing money for, see 3 & 4 Vict. c. 88, s. 13, and the Public Works Loans Act, 1875, s. 40. (Local and Municipal Government, p. 1225.)

(v) The licensing under any general Act of houses and other places for music or for dancing, and the granting of licences under the Racecourses Licensing Act, 1879 (x); 42 & 43 Vict.
c. 18.

(x) See 42 & 43 Vict. c. 18, which makes horse races within ten miles of Charing Cross unlawful, except in licensed places.

(vi) The provision, enlargement, maintenance, management, and visitation of and other dealing with asylums for pauper lunatics (y);

(y) See 16 & 17 Vict. c. 97, ss. 2, 22, 30. As to borrowing from Public Works Loans Commissioners, see Public Works Loans Act, 1875 (38 & 39 Vict. c. 89), s. 9 (Local and Municipal Government, p. 1216), and 16 & 17 Vict. c. 93, s. 48.

In the case of boroughs having a separate quarter sessions these powers are transferred to the council of the borough. (Sect. 32.)

(vii) The establishment and maintenance of and the contribution to reformatory and industrial schools (z);

(z) See the Reformatory Schools Act, 1866 (29 & 30 Vict. c. 117), ss. 27, 28, 29 and 35, and 35 & 36 Vict. c. 21, s. 4.

See the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118), ss. 12, 13, and 35 & 36 Vict. c. 21, s. 9.

(viii) Bridges and roads repairable with bridges (a), and any powers vested by the Highways and Locomotives (Amendment) Act, 1878 (b), in the county authority; 41 & 42 Vict.
c. 77.

(a) The maintenance and repair of bridges is a general county purpose, and the costs are to be charged to the general county account. (Sect. 11 (1).)

As to county bridges, &c., see Local and Municipal Government, p. 775, n.; and see the statutes relating to bridges collected *ibid.*, pp. 1391—1404. See, also, sect. 21 of the Highways Act, 1835, *ibid.*, p. 775. User by, and utility of a bridge to, the public is evidence on which a jury may find against the county on the question of the liability to repair. Such evidence is not necessarily conclusive, but in order to render the county liable, it is not necessary there should be an

overt act of adoption of the bridge on behalf of the county. (*Reg. v. Inhabitants of Southampton*, L. R. 19 Q. B. D. 590; 56 L. J. M. C. 112; 57 L. T. N. S. 261.) Where a county of a town has been created by charter and declared to be a separate county, the county in which it was originally situated is not liable for the repair of bridges within its boundaries. (*Reg. v. Inhabitants of Southampton*, L. R. 17 Q. B. D. 424; 55 L. J. M. C. 158; 55 L. T. N. S. 322; 35 W. R. 10; 50 J. P. 773.) As to bridges in South Wales, see Local and Municipal Government, p. 1415.

(b) See sects. 10, 13, 21, 22, 23, 26 of that Act (Local and Municipal Government, pp. 881, 882, 885, and 888).

(ix) The tables of fees to be taken by and the costs to be allowed to any inspector, analyst, or person holding any office in the county other than the clerk of the peace and the clerks of the justices;

(x) The appointment, removal, and determination of salaries, of the county treasurer (c), the county surveyor (d), the public analysts (e), any officer under the Explosives Act, 1875 (f), and any officers whose remuneration is paid out of the county rate other than the clerk of the peace (g) and the clerks of the justices (h);

(c) See 12 Geo. II. c. 29, ss. 6, 11; 55 Geo. III. c. 51, s. 17, and Mun. Corporations Act, s. 18, and note, *post*, p. 183.

(d) See 22 Hen. VIII. c. 5, ss. 4, 8; 43 Geo. III. c. 59, s. 3; 54 Geo. III. c. 90; 55 Geo. III. c. 143; 5 & 6 Will. IV. c. 50, s. 22; 43 Geo. III. c. 59, s. 43; 54 Geo. III. c. 90.

(e) See 38 & 39 Vict. c. 63, s. 10 (Local and Municipal Government, p. 634).

(f) See this Act (Local and Municipal Government, p. 669).

(g) See sects. 30 and 83, *post*, pp. 43, 113.

(h) See 23 & 24 Vict. c. 116, s. 4.

(xi) The salary of any coroner whose salary is payable out of the county rate, the fees, allowances, and disbursements allowed to be paid by any such coroner (i), and the division of the county into coroners' districts (j), and the assignment of such districts;

(i) See 7 Will. IV. & 1 Vict. c. 68, ss. 1, 2, 3. The disbursements made by the coroner under this Act, after the termination of the inquest, cannot be disallowed on the ground that it was not proper that the inquest should have been held. (*R. v. JJ. of Carmarthenshire*, 10 Q. B. 796; *R. v. JJ. of Gloucestershire*, 27 L. J. M. C. 15.)

(j) See 7 & 8 Vict. c. 92, ss. 2—8, 28. As to Chester, see *ibid.* s. 27, and 23 & 24 Vict. c. 116, s. 7.

- (xii) The division of the county into polling districts for the purposes of parliamentary elections, the appointment of places of election (*k*), the places of holding Courts for the revision of the lists of voters, and the costs of and other matters to be done for the registration of parliamentary voters (*l*) ;

(*k*) By 46 & 47 Vict. c. 51, s. 47, every county is to be divided by the justices in sessions into polling districts, and a polling place assigned to each, so that, as far as reasonably practicable, every voter shall have his polling place within three miles of his residence ; but a polling district need not be constituted containing less than 100 electors. This section incorporates sect. 5 of the Ballot Act, 1872 (Local and Municipal Government, p. 1266), so far as not repealed. By the Registration Act, 1885 (48 Vict. c. 15), s. 13, sub-ss. 1, 2, where the parliamentary county is co-extensive with or comprised within due county quarter sessional area, the Court of county quarter sessions for that area, or where the parliamentary county extends into more than one such area, the Court of quarter sessions for the area which comprises the largest part of the parliamentary county shall be the authority for dividing the county into polling districts. By sub-sect. 3, where the parliamentary county extends into more county quarter sessional areas than one, a joint committee may be appointed for the purpose. See also 30 & 31 Vict. c. 102, s. 34, and 31 & 32 Vict. c. 48, s. 18.

(*l*) By the Parliamentary Registration Act, 1843 (6 & 7 Vict. c. 18), s. 54, an account of all expenses incurred by any clerk of the peace of any county in carrying into effect the provisions of that Act is to be laid before the next quarter sessions after such expenses shall have been incurred, who are to make an order on the county treasurer for the payment of such expenses, or part thereof, as they shall allow, to the clerk of the peace, out of the public stock of the county ; and by 6 & 7 Vict. c. 18, s. 55, and 41 & 42 Vict. c. 26, s. 30, provision is made for the expenses of town clerks in boroughs. As to expenses in case of divided county jurisdiction, see the Registration Act, 1885 (48 Vict. c. 15), s. 14 ; and, as to expenses where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, see the Parliamentary and Municipal Registration Act, 1878 (41 & 42 Vict. c. 26), s. 30.

- (xiii) The execution as local authority of the Acts relating to contagious diseases of animals (*m*), to destructive insects (*n*), to fish conservancy (*o*), to wild birds (*p*), to weights and measures (*q*), and to gas meters (*r*), and of the Local Stamp Act, 1869 ;

(*m*) *i.e.*, the Contagious Diseases (Animals) Acts, 1878 (41 & 42 Vict. c. 74) and 1884 (2) (47 & 48 Vict. c. 13 and c. 47) (Local and Municipal Government, pp. 729 and 1477). Now, by the Contagious Diseases

s. 3.

(Animals) Act, 1886 (49 & 50 Vict. c. 32), sects. 17, 20, 22, 23, 26, 32, 34, and 39, and Schedules 3rd and 4th of the Act of 1878, are amended, and sect. 29 is repealed, and a new provision (sect. 6) enacted in lieu thereof.

(n) *i.e.*, the Destructive Insects Act, 1877 (40 & 41 Vict. c. 68). Now, by the Contagious Diseases (Animals) Act, 1878 (see preceding note), penalties under the former Act are recoverable in manner provided by the latter Act.

(o) By the Salmon Fisheries Act, 1861 (24 & 25 Vict. c. 109), s. 33, the justices of quarter sessions may appoint conservators or overseers for the preservation of salmon and enforcing the provisions of the Act. By the Salmon Fisheries Act, 1865 (28 & 29 Vict. c. 121), ss. 4, 5, 6, 7, 8, 9, 10, 11, fishery districts may, on the application of the justices at quarter sessions, be formed (see the Salmon Fishery Act, 1873 (36 & 37 Vict. c. 71), s. 8), and joint fishery committees may be appointed; by sects. 12, 13, the joint committee are to appoint a board of conservators, and thereupon to be dissolved; and by sects. 15 and 16, provision is made as to the term of office and appointment of conservators, and as to filling up vacancies and the giving of notices of appointments of conservators.

By the Salmon Fishery Act, 1873 (36 & 37 Vict. c. 71), s. 9, provision is made as to altering the number of conservators to be appointed by justices at quarter sessions; by sects. 26, 27, and 28, every person shall be an *ex-officio* member of the board of conservators who is (1) the owner or occupier of a fishery or fisheries in the fishery district assessed to the poor rate on an estimated rental of 30*l.* per annum (provided that owner and occupier shall not act at the same time in respect of the same fishery, and that if there be more than one owner or occupier of the same fishery, only one shall act); or (2) is the owner of lands in such district of an annual value not less than 100*l.*, having a frontage not less than one mile to any salmon river (both sides of the river may be reckoned), having the right to fishing in the part of the river adjoining the frontage, and having paid licence duty for fishing for salmon for such district during the preceding season; and in case any person possessing either of these qualifications be a minor, idiot, lunatic, feme covert, or a corporation, the guardian, trustee, committee, husband of such minor, &c., or one of the members of the corporation, shall act; and by sect. 29 provision is made for the appointment, in addition to the other members, of representative members in certain districts where there are public or common rights of fishing.

The board of conservators are constituted a body corporate having perpetual succession and a common seal, with power to make contracts and to sue and be sued in a common name by sect. 21 of the Salmon Fishery Act, 1865 (28 & 29 Vict. c. 121); and by sects. 22, 23, and 27 of the same Act, provision is made as to the meetings of the conservators, transaction of business, appointment of officers, issuing of licences (see the Freshwater Fisheries Act, 1878 (41 & 42 Vict. c. 39), s. 7), purchase of dams, weirs, &c., and enforcing the Salmon Fishery

Acts and executing works, &c. for protection and improvement of salmon fisheries within their district. By sects. 39—42 of the Salmon Fishery Act, 1873 (36 & 37 Vict. c. 71), and sect. 1 of the Freshwater Fisheries Act, 1884 (47 Vict. c. 111), power is given to the board of conservators to make bye-laws. Borrowing powers are given to the board of conservators by the Act of 1865 (28 & 29 Vict. c. 121), s. 28; and powers to spend moneys in their hands in any manner (not illegal) they may think conducive to the improvement of the salmon fisheries within their district, and to vary the licence duties, are given by sects. 23 and 25 of the Act of 1873 (36 & 37 Vict. c. 71).

By the Salmon Fishery Act, 1865 (28 & 29 Vict. c. 121), s. 29, “*Audit of accounts of conservators by court of quarter sessions.*”

Provision is made by sects. 5, 6, 7 of the Salmon Fishery Act, 1873 (36 & 37 Vict. c. 71), for the alteration of fishery districts, and thereupon for adding or taking from the number of the members of the board of conservators, as the case may require.

Now, by the Freshwater Fisheries Acts, 1878 and 1884 (41 & 42 Vict. c. 39, s. 6, and 47 Vict. c. 11, s. 2), the Salmon Fisheries Acts, 1865 and 1873, are extended to freshwater fisheries, so that fishery districts may be formed and conservators appointed for water frequented by any freshwater fish.

(*p*) See the Wild Birds Protection Act, 1880 (43 & 44 Vict. c. 35), as amended by the Wild Birds Protection Act, 1881 (44 & 45 Vict. c. 51), and the Order in Council (*London Gazette*, Dec. 12, 1882, p. 6321).

(*q*) See the Weights and Measures Act, 1878 (41 & 42 Vict. c. 49), as amended by the Summary Jurisdiction Act, 1884 (47 & 48 Vict. c. 43), s. 4. Now, by the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58), s. 15, the Weights and Measures Act, 1878, is applied to weights, &c., used in mines.

(*r*) See 22 & 23 Vict. c. 66, an Act for regulating measures used in sales of gas, as amended by the Summary Jurisdiction Act, 1884 (47 & 48 Vict. c. 43), s. 4.

(xiv) Any matters arising under the Riot (Damages) Act, 1886 (*s*);

(*s*) *I. e.*, 49 & 50 Vict. c. 38. This Act repeals 7 & 8 Geo. 4, c. 31, and 2 & 3 Will. 4, c. 72, which provided for compensation being made by the inhabitants of the hundred, &c., in case of riotous damage to property, and makes new provisions as to the mode of awarding compensation in those cases, and as to payment of the compensation out of the police rate. See notes (*v*) and (*p*), *ante*, p. 6.

(xv) The registration of rules of scientific societies under

the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-six; the registration of charitable gifts under the Act of the session of the fifty-second year of the reign of George the Third, chapter one hundred and two; the certifying and recording of places of religious worship under the act of the session of the fifty-second year of the reign of George the Third, chapter one hundred and fifty-five; the confirmation and record of the rules of loan societies under the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and ten; and

(xvi) Any other business transferred by this Act.

Transfer of certain powers under local Acts.

4. Where it appears to the Local Government Board that any powers, duties, or liabilities of any quarter sessions or justices, or any committee thereof, under any local Act are similar in character to the powers, duties, and liabilities transferred to county councils by this Act, or relate to property transferred to a county council by this Act, the Board may, if they think fit, make a provisional order for transferring such powers, duties, and liabilities to the county council.

Appointment of coroners by county council.

5.—(1.) After the appointed day a coroner for a county shall not be elected by the freeholders of the county, and on any vacancy occurring in the office of a coroner for a county, who is elected to that office in pursuance of a writ de coronatore eligendo, a like writ for the election of a successor shall be directed to the county council of the county instead of to the sheriff, and the county council shall thereupon appoint a fit person, not being a county alderman or county councillor, to fill such office, and in the case of a county divided into coroners districts shall assign him a district; and any person so appointed shall have like powers and duties, and be entitled to like remuneration, as if he had been elected coroner for the county by the freeholders thereof.

(2.) Where the district of any such coroner is situate wholly within any administrative county, the council of that county shall, subject as hereinafter mentioned, appoint the coroner.

(3.) Where the district of any such coroner is situate partly in one and partly in another administrative county

forming part of an entire county, the joint committee for the entire county may arrange for the alteration in manner provided by law of the district, so that, on the next avoidance of the office of coroner of that district, or at any earlier time fixed by the joint committee when the alteration is made, the coroner's district shall not be situate in more than one administrative county.

(4.) Until such arrangement is made, the joint committee for the entire county shall appoint the coroner for the said district, and the amount payable in respect of the salary, fees, and expenses of such coroner shall be defrayed in like manner as costs of the joint committee are directed by this Act to be defrayed.

(5.) Nothing in this Act respecting the appointment of a coroner shall alter the jurisdiction of a coroner for the entire county, or any power of removing such coroner, whether by writ de coronatore exonerando or otherwise, and all writs for the election or removal of a coroner shall be altered so as to give effect to this section.

(6.) Sections eleven and fourteen and the First Schedule of the Coroners Act, 1887, and any other enactment relating to the election of a coroner for a county by the freeholders of such county or any district thereof, are hereby repealed as from the appointed day, without prejudice to anything done or suffered, or any legal proceeding commenced or penalty incurred before such repeal takes effect. 50 & 51 Vict.
c. 71.

(7.) A person who holds the office of coroner shall not be qualified to be elected as a county alderman or county councillor for the county for which he is a coroner.

6. The county council shall have power to purchase, or take over on terms to be agreed on, existing bridges not being at present county bridges, and to erect new bridges, and to maintain, repair, and improve any bridges so purchased, taken over, or erected. Power of
council as to
bridges.

7. There shall be transferred to the county council on and after the appointed day the business of the justices of the county out of session (*s*)— Transfer to
county council
of certain
powers of
justices out of
session.

(a) in respect of the licensing of houses or places for the public performance of stage plays (*t*), and

(b) in respect of the execution as local authority of the Explosives Act, 1875 (*u*).

(s) By sect. 28, sub-sect. 1, *post*, county councils are as respects the business thus transferred made subject to all the powers, duties, and liabilities which any justice or justices were subject in respect of the business so transferred; and by sub-sect. (2), power is given to county councils to delegate these powers to committees.

As to the transfer of these powers in the case of boroughs having a separate commission of the peace, see sect. 34, *post*.

The provisions of this section apply to the liberties and franchises of the county. (Sect. 48.)

(t) Licences for theatres are granted under 6 & 7 Vict. c. 68. By sect. 5 of that Act it is provided, that the justices shall, within twenty-one days next after an application shall have been made in writing, signed by the party making the same, and countersigned by at least two justices acting in and for the division within which the property proposed to be licensed shall be situate, and delivered to the clerk to the said justices, hold a special session in the division, district, or place for which they usually act, for granting licences to houses for the performance of stage plays, of the holding of which session seven days' notice shall be given by their clerk to each of the justices acting within such division, district, or place; and every such licence shall be given under the hands and seals of four or more of the justices assembled at such special session, and shall be signed and sealed in open Court, and afterwards shall be publicly read by the clerk, with the names of the justices subscribing the same. By sect. 7, no licence shall be granted to any person except the actual and responsible manager for the time being of the theatre, and the manager shall be bound in such sum, not exceeding 500*l.*, as the justices shall require, with two sureties to be approved by the justices in sums not exceeding 100*l.* each, for the due observance of the rules in force for the regulation of the theatre, and for securing payment of penalties for breach of the rules or of the provisions of the Act. By sect. 9, the justices may make rules, a copy of which is to be annexed to every licence, for insuring order and decency at the theatres licensed by them, and for regulating the times during which they shall be allowed to be open; and upon breach of the rules the theatre may be closed. By sect. 6, a fee, not exceeding 5*s.*, for every calendar month during which the theatre is licensed to be kept open may be fixed by the justices. By sect. 11, a penalty, not exceeding 10*l.*, may be imposed on persons "who for hire shall act or present, or cause, permit, or suffer to be acted or presented, any part in any stage-play in any place not being duly licensed as a theatre" for every day on which they so offend; and by sect. 2, a sum, not exceeding 20*l.*, may be recovered from any person who shall "have or keep any house, or other place of public resort, for the performance of stage-plays" without a licence for every day during which such house or place shall have been kept open. By sect. 16, "in every case in which any

money or other reward shall be taken or charged, directly or indirectly or in which the purchase of any article is made a condition for the admission of any person into any theatre to see any stage-play, and in every case in which any stage-play shall be acted or presented in any house, room, or place in which distilled or exciseable liquor is sold, every actor therein shall be deemed to be acting for hire." By sect. 23, "stage-play" includes every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage, or any part thereof; but the Act is not to apply to any booth or show duly "allowed in any lawful fair, feast, or customary meeting of the like kind." A booth used as a theatre by strolling players is not a "house or other place of public resort for the public performance of stage-plays" within the meaning of sect. 2 (*Davys v. Douglas*, 28 L. J. M. C. 193); but it is a "place" within sect. 11. (*Fredericks v. Payne*, 32 L. J. M. C. 14.) The owner and occupier of a building, which he gratuitously allowed to be used on a few occasions for the performance of stage-plays, to which the public were admitted on payment, for the benefit of a charity, was held to be rightly convicted under sect. 2, he not having a licence for the building. (*Shelley v. Bethell*, L. R. 12 Q. B. D. 11; 53 L. J. M. C. 16; 49 L. T. N. S. 779; 32 W. R. 276; 48 J. P. 244.) Persons who hired the use of a theatre for six nights were held not to "have or keep" the theatre within sect. 2; that section applies to the person who has a permanent interest in the theatre. (*R. v. Strugnell*, 35 L. J. M. C. 78.)

What is a stage-play within the definition in sect. 23 is a question of fact and not of law. (*Wigan v. Strange*, 35 L. J. M. C. 31. See *Thorne v. Colson*, 25 J. P. 101; *Dey v. Simpson*, 12 L. T. N. S. 386.)

The lord chamberlain is the licensing authority for London, Westminster, &c. (Sect. 3.)

(*u*) *i. e.*, 38 Vict. c. 17. See Local and Municipal Government, p. 669.

8.—(1.) Nothing in this Act shall transfer to a county council any business of the quarter sessions or justices in relation to appeals by any overseers or persons against the basis or standard for the county rate or against that or any other rate.

Reservation of business to quarter sessions.

(2.) All business of the quarter sessions or any committee thereof not transferred by or in pursuance of this Act to the county council shall be reserved to and transacted by the quarter sessions or committee thereof in the same manner, as far as circumstances admit, as if this Act had not passed.

9.—(1.) The powers, duties, and liabilities of quarter sessions, and of justices out of session, with respect to the

Powers as to police.

county police (*x*) shall, on and after the appointed day, vest in and attach to the quarter sessions and the county council jointly, and be exercised and discharged through the standing joint committee of the quarter sessions and county council appointed as hereinafter mentioned (*y*):

(*x*) These powers are given by 2 & 3 Vict. c. 93, ss. 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 23, 24, 25, 27, 28; 3 & 4 Vict. c. 88; 19 & 20 Vict. c. 69; and 22 & 23 Vict. c. 32. The disability imposed by sect. 9 of 2 & 3 Vict. c. 93 upon police to vote at parliamentary elections is now removed by 50 Vict. c. 9.

(*y*) As to the joint committee, see sect. 30, *post*. As to payment by the county council of one half the cost of the pay and clothing of the police in counties and boroughs maintaining a separate police, see sect. 24 (2), (h), (i), *post*; and as to the consequence of a secretary of state refusing to certify the efficiency of the police, see sect. 25, *post*.

Members of the standing joint committee may be appointed by the quarter sessions of any liberty or franchise having the control of its police, and there shall be one police force for the whole county. (Sect. 48 (3).)

(2.) Provided that the powers conferred by section seven of the County and Borough Police Act, 1856 (*z*), which requires constables to perform, in addition to their ordinary duties, such duties connected with the police as the quarter sessions may direct or require, shall continue to be exercised by the quarter sessions as well as by the said standing joint committee, and may also be exercised by the county council; and the said section shall be construed as if the county council and the said standing joint committee were therein mentioned as well as the quarter sessions.

(*z*) *i. e.*, 19 & 20 Vict. c. 69.

(3.) Nothing in this Act shall affect the powers, duties, and liabilities of justices of the peace as conservators of the peace, or the obligation of the chief constable or other constables to obey their lawful orders given in that behalf.

10.—(1.) After the passing of this Act it shall be lawful for the Local Government Board to make from time to time a provisional order for transferring to county councils—

(a) any such powers, duties, and liabilities of her Majesty's Privy Council, a Secretary of State (*a*), the Board of Trade, the Local Government Board, or the Education Department, or any other Government

Transfer to county council of powers of certain government departments and other authorities.

19 & 20 Vict. c. 69.

department, as are conferred by or in pursuance of any statute and appear to relate to matters arising within the county, and to be of an administrative character : also

(a) These are the powers of the Secretary of State under the Burial Act (Metropolis), 1852, and the Burial Act, 1853 (Local and Municipal Government, p. 1155), to represent to her Majesty in Council that any burial ground should be discontinued and to approve of new burial grounds ; to order the abolition of fairs under the Fairs Act, 1871, and to order the alteration of day for holding and duration of fair under the Fairs Act, 1873.

(b) any such powers, duties, and liabilities arising within the county, of any commissioners of sewers, conservators, or other public body, corporate or unincorporate (not being the corporation of a municipal borough or an urban or rural authority, or a school board, and not being a board of guardians) as are conferred by or in pursuance of any statute ;

and such order shall make such exceptions and modifications as appear to be expedient, and also such provisions as appear necessary or proper for carrying into effect such transfer, and for that purpose may transfer any power vested in her Majesty in Council :

(2.) Provided that before any such order is made, the draft thereof shall be approved, if it relates to the powers, duties, or liabilities of a Secretary of State, or the Board of Trade, or any other Government department, by such Secretary of State, board, or department, and approved, if it affects the powers, duties, or liabilities of any commissioners, conservators, or body, corporate or unincorporate, by such commissioners, conservators, or body ; and every such provisional order shall be of no effect until it is confirmed by Parliament.

(3.) If any such powers, duties, or liabilities as are referred to in any provisional order under this section arise within two or more counties, they may be transferred to the county councils of such two or more counties jointly, and may be exercised and discharged by a joint committee of such councils (b).

(b) The powers transferred by this section cannot be delegated by the county council to a committee. (Sect. 28, *post.*)

As to the appointment of joint committees, and as to making regulations for their proceedings, see sects. 81 and 82, *post*.

(4.) The Act of Parliament confirming any provisional order made under this section shall be a public general Act.

Entire maintenance of main roads by county council.
41 & 42 Vict.
c. 77.

11.—(1.) Every road in a county, which is for the time being a main road within the meaning of the Highways and Locomotives (Amendment) Act, 1878 (*c*), inclusive of every bridge carrying such road if repairable by the highway authority, shall, after the appointed day, be wholly maintained and repaired by the council of the county in which the road is situate, and such council, for the purpose of the maintenance, repair, improvement, and enlargement of, and other dealing with such road, shall have the same powers and be subject to the same duties as a highway board (*d*), and may further exercise any powers vested in the council for the purpose of the maintenance and repair of bridges (*e*), and the enactments relating to highways and bridges (*f*) shall apply accordingly; and the county council shall have the same powers as a highway board for preventing and removing obstructions, and for asserting the right of the public to the use and enjoyment of the roadside wastes; and the execution of this section shall be a general county purpose, and the costs thereof shall be charged to the general county account.

(*c*) By sect. 13 of the Highways and Locomotives Amendment Act, 1878, "any road which has, within the period between the 31st day of December, 1870, and the date of the passing of [the] Act (16th August, 1878), ceased to be a turnpike road, and any road which, being at the time of the passing of [the] Act a turnpike road, may afterwards cease to be such, shall be deemed to be a main road." By sect 15, a highway may be declared to be a main road where, by reason of its being a medium of communication between great towns, or a thoroughfare to a railway, or otherwise, it ought to become a main road. (Local and Municipal Government, pp. 882, 883, 884.)

(*d*) See the Highway Act, 1862, s. 11. (Local and Municipal Government, p. 845.)

(*e*) See sect. 3 (8), *ante*, p. 7.

(*f*) The enactments relating to highways and bridges will be found set forth in "Local and Municipal Government": see under the words "Highway Act" and "Bridges" in the index to that work.

(2.) Provided that any urban authority may, within twelve months after the appointed day, or, in case of a road in the district of such authority becoming a main road at any sub-

sequent date, then within twelve months after that date, claim to retain the powers and duties of maintaining and repairing a main road within the district of such authority, and thereupon they shall be entitled to retain the same, and, for the purpose of the maintenance, repair, improvement, and enlargement of, and other dealing with such road, shall have the same powers and be subject to the same duties as if such road were an ordinary road vested in them, and the council shall make to such authority an annual payment towards the costs of the maintenance and repair, and reasonable improvement, connected with the maintenance and repair of such road.

(3.) The amount of such payment shall be such annual sum as may be from time to time agreed on, or in the absence of agreement may be determined by arbitration of the Local Government Board.

(4.) The county council and any district council (*g*) may from time to time contract for the undertaking by the district council of the maintenance, repair, improvement, and enlargement of, and other dealing with any main road, and, if the county council so require, the district council shall undertake the same, and such undertaking shall be in consideration of such annual payment by the county council for the costs of the undertaking as may from time to time be agreed upon, or, in case of difference, be determined by arbitration of the Local Government Board; and for the purposes of such undertaking the district council shall have the same powers and be subject to the same duties and liabilities as if the road were an ordinary road vested in them.

(*g*) See definition of district council in interpretation clause, s. 100, *post*.

(5.) Provided that in no case shall a county council make any payment to a district council (*h*) towards the costs of such undertaking as respects any road, or towards the costs of the maintenance, repair or improvement of any road by an urban authority, until the county council are satisfied by the report of their surveyor, or such other person as the county council may appoint for the purpose, that the road has been properly maintained and repaired, or that the improvement or enlargement of or other dealing with the road, as the case may be, has been properly executed.

(*h*) See definition of district council in interpretation clause, s. 100, *post*.

(6.) A main road and the materials thereof, and all drains belonging thereto, shall, except where the urban authority retain the powers and duties of maintaining and repairing such road, vest in the county council, and where any sewer or other drain is used for any purpose in connection with the drainage of any main road, the county council shall continue to have the right of using such sewer or drain for such purpose; and if any difference arises between a county council and any highway or sanitary authority as respects the authority in whom the drain is vested, or as to the use of any sewer or other drain, the council or the highway or sanitary authority may require such difference to be referred to arbitration, and the same shall be referred to arbitration in manner provided by this Act.

(7.) Where a county council declare a road to be a main road, such declaration shall not take effect until the road has been placed in proper repair and condition to the satisfaction of the county council.

(8.) If at any time the county council are satisfied, on the report of their surveyor or other person appointed by them for the purpose, that any portion of a main road, the maintenance and repair of which are undertaken by any district council (*g*), is not in proper repair and condition, the county council may cause notice to be given to such district council (*g*), requiring them to place the road in proper repair and condition; and, if such notice is not complied with within a reasonable time, the county council may do everything that seems to them necessary to place the road in proper repair and condition, and the expenses of so doing shall be a debt of the said district council (*g*) to the county council.

(*g*) See definition of district council in interpretation clause, s. 100, *post*.

(9.) If any difference arises under this section between a county council and a district council as to the refusal of the county council to make a payment under this section to the district council in respect of any undertaking or road, or as to a road having been placed in proper repair and condition previously to its becoming a main road, or as to any notice given to the district council by the county council to place a road in proper repair and condition, such difference shall, if either council so require, be referred to the arbitration of the Local Government Board.

(10.) The county council may, if they think fit, contribute towards the costs of the maintenance, repair, enlargement, and improvement of any highway or public footpath in the county, although the same is not a main road.

(11.) Every authority having any power or duty to light the roads in their district shall have the same power and duty to light any main road in their district.

(12.) Anything authorised or required by law to be done by or to a highway or road authority shall, as respects a main road maintained by a county council, be authorised or required to be done by or to that council; and every authority having any power to break up any road in their district for the purpose of sewerage or otherwise shall have the like power of breaking up any main road in their district, but if the road is broken up the authority shall repair it to the satisfaction of the county council maintaining such road, and if it is not repaired to the satisfaction of the county council, that council may cause the necessary repairs to be done and may charge the costs against the authority, and the same shall be a debt due from the authority to the council.

(13.) Section twenty of the Highways and Locomotives (Amendment) Act, 1878, shall apply as if it were herein re-enacted and in terms made applicable to this section (*h*). 41 & 42 Vict.
c. 77.

(*h*) The section is as follows:—“Notwithstanding the provisions of this Act, in the case of any county in which certain of the bridges within the county are repairable by the county at large, and others are repairable by the several hundreds within the county in which they are situated, it shall be lawful for the county authority from time to time, by order, to declare any main road or part of a main road within their county to be repairable to the extent only and in manner provided by sect. 13 of this Act, either by the county or by the hundred in which such main road or part is situate, as they think fit; and where a main road or part thereof is declared to be repairable by a hundred, the expense of repairing the same shall, to the extent to which but for this section the expense or any contribution towards the expense of repairing the same would be repayable out of the county rate, be repayable out of a separate rate which shall be raised and charged in the like manner as the expenses of repairing the hundred bridges in the same hundred would have been raised and charged.” (Local and Municipal Government, p. 885.)

12.—(1.) After the appointed day, tolls shall cease to be taken on any road maintained and repaired by the Isle of Wight. Roads and
tolls in Isle of
Wight.

44 & 45 Vict.
c. 72.

Wight (*i*) Highway Commissioners, under the Isle of Wight Highway Acts, 1813 and 1883, and after such day the Highways and Locomotives (Amendment) Act, 1878 (*j*), as amended by this Act, shall apply to the Isle of Wight, and to every such road above mentioned, in like manner as if it were ceasing within the meaning of the said Act to be a turnpike road, and the Act of the session of the forty-fourth and forty-fifth years of the reign of her present Majesty, chapter seventy-two, shall be repealed.

(*i*) See Local and Municipal Government, pp. 842, 879, n.

(*j*) *Ibid.*, p. 879.

(2.) Until provision is otherwise made by Parliament, or by a Provisional Order confirmed by Parliament, the repair and maintenance of the said roads shall continue to be undertaken by the said commissioners, and the county council for the county of Southampton shall pay such commissioners, in respect of the said repairs and maintenance, and of the expenses of the commissioners, such sums as may be agreed upon, or, in case of difference, be settled by arbitration under this Act, and the provisions of this Act with respect to main roads shall apply as if the commissioners were a district council who had undertaken the maintenance and repair of such road.

Adaptation of
Act to South
Wales roads.7 & 8 Vict.
c. 91.25 & 26 Vict.
c. 61.
27 & 28 Vict.
c. 101.

13.—(1.) After the appointed day no county road rate shall be levied, and tolls shall cease to be taken on any road maintained and repaired by a county roads board in South Wales, in pursuance of the South Wales Turnpike Trusts Act, 1844, and the Acts amending the same (*k*), and after such day the Highways and Locomotives (Amendment) Act, 1878 (*l*), as amended by this Act shall apply to every county in South Wales as if the highway districts in that county had been constituted under the Highway Act, 1862, and the Highway Act, 1864, or one of those Acts, and shall apply to every such road as above mentioned, in like manner as if it were ceasing, within the meaning of the said Act, to be a turnpike road.

(*k*) These are the South Wales Highway Act, 1860, 23 & 24 Vict. c. 68 (*vide* Local and Municipal Government, p. 1405), and the South Wales Highway Act Amendment Act, 1878, 41 & 42 Vict. c. 34 (*vide* Local and Municipal Government, p. 1413).

(*l*) See Local and Municipal Government, p. 879.

(2.) On the appointed day every county roads board and district roads board in each county shall cease to exist, and the property, debts, and liabilities of any such board shall be transferred to the county council, and that council shall be the successors of the county and district roads boards, and the provisions of this Act, with respect to the transfer of the property (*m*), debts and liabilities of quarter sessions to county councils, and with respect to the officers and servants of quarter sessions, shall apply as if they were herein re-enacted and made applicable to the property, debts, liabilities, and officers of the said county and district roads boards.

(*m*) See sect. 64, *post*.

(3.) For the following purposes (that is to say) :

(a) For giving effect to the said transfer of the property, debts, and liabilities, and for controlling the officers and servants transferred by this section to the county council, and otherwise winding up the affairs of the county and district roads boards; and

(b) For the purpose of the appointment of the surveyor of a highway board, the alteration of a highway district, and other purposes relating to highway boards; the county council of every county in South Wales shall have all the powers of a county roads board in a county under the South Wales Turnpike Trusts Act, 1844, and the Acts amending the same, so, however, that nothing shall confer on the county council any power to levy any toll or county road rate.

14.—(1.) On and after the appointed day a county council shall have power, in addition to any other authority, to enforce the provisions of the Rivers Pollution Prevention Act, 1876 (*n*) (subject to the restrictions in that Act contained), in relation to so much of any stream as is situate within, or passes through or by, any part of their county, and for that purpose they shall have the same powers and duties as if they were a sanitary authority within the meaning of that Act, or any other authority having power to enforce the provisions of that Act, and the county were their district.

Power to
county council
to enforce
provisions of
39 & 40 Vict.
c. 75.

(2.) Any county council shall have power to contribute

(*n*) See the Act and the Circular of the Local Government Board in reference thereto, Local and Municipal Government, pp. 399 and 1495.

towards the costs of any prosecution under the said Act instituted by any other county council or by any urban or rural authority.

(3.) The Local Government Board, by provisional order made on the application of the council of any of the counties concerned, may constitute a joint committee or other body representing all the administrative counties through or by which a river or any specified portion of a river, or any tributary thereof, passes, and may confer on such committee or body all of the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876, or such of them as may be specified in the order; and the order may contain such provisions respecting the constitution and proceedings of the said committee or body as may seem proper, and may provide for the payment of the expenses of such committee or body by the administrative counties represented by it, and for the audit of the accounts of such committee or body, and their officers.

Council to have power to oppose Bills in Parliament.

15. The county council of an administrative county shall have the same powers of opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the county, as are conferred on the council of a municipal borough by the Act of the thirty-fifth and thirty-sixth years of Victoria, chapter ninety-one (*o*); and subject as hereinafter provided the provisions of that Act shall extend to a county council, as if such council were included in the expression "governing body," and the administrative county were the district in the said Act mentioned.

Provided that:—

- (a) No consent of owners and ratepayers shall be required for any proceedings under this section;
- (b) This section shall not empower a county council to promote any Bill in Parliament, or to incur or charge any expense in relation thereto (*p*).

(*o*) See Local and Municipal Government, pp. 1203—1205.

(*p*) This does not apply to the London county council, who, by sect. 40 (8), will inherit all the statutory powers of the Metropolitan Board of Works, one of which is the power of promoting Bills in Parliament: see 18 & 19 Vict. c. 120, s. 144; and 19 & 20 Vict. c. 112, s. 10.

16.—(1.) A county council shall have the same power of making byelaws in relation to their county, or to any specified part or parts thereof, as the council of a borough have of making byelaws in relation to their borough under section twenty-three of the Municipal Corporations Act, 1882 (*p*), and section one hundred and eighty-seven of the Public Health Act, 1875 (*q*), shall apply to such byelaws :

Power of county council to make byelaws.

45 & 46 Vict.
c. 50.
38 & 39 Vict.
c. 55.

(*p*) The section is as follows :—

“(1.) The council may from time to time make such byelaws as to them seem meet for the good rule and government of the borough, and for prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Act in force throughout the borough, and may thereby appoint such fines, not exceeding in any case 5*l.*, as they deem necessary for the prevention and suppression of offences against the same.

“(2.) Such a byelaw shall not be made, unless at least two-thirds of the whole number of the council are present.

“(3.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof has been fixed on the town hall.

“(4.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof, sealed with the corporate seal, has been sent to the secretary of state; and if within those forty days the Queen, with the advice of her Privy Council, disallows the byelaw, or part thereof, the byelaw or part disallowed shall not come into force, but it shall be lawful for the Queen at any time within those forty days to enlarge the time within which the byelaw shall not come into force, and in that case the byelaw shall not come into force until after the expiration of that enlarged time.

“(5.) Any offence against such a byelaw may be prosecuted summarily.

“(6.) Nothing in this section shall interfere with the operation of sect. 187 of the Public Health Act, 1875, and that section shall have effect as if this section were therein referred to instead of sect. 90 of the Municipal Corporations Act, 1835; but nothing in the Public Health Act, 1875, shall be construed as having restricted the meaning or scope of the Municipal Corporations Act, 1835, or as restricting the meaning or scope of this section with respect to prevention or suppression of nuisances.” (Local and Municipal Government, pp. 275, 276.)

(*q*) The section is as follows :—

“187. Byelaws made by the council of any borough under the provisions of section ninety of the Act of the sixth year of King William the Fourth, cap. 76, for the prevention and suppression of certain nuisances, shall not be required to be sent to a secretary of state, nor shall they be subject to the disallowance in that section mentioned, but all the provisions of this Act relating to byelaws shall apply to the byelaws so made as if they were made under this Act.”

(2.) Provided that byelaws made under the powers of this section shall not be of any force or effect within any borough.

Power of county councils to appoint medical officer of health.

17.—(1.) The council of any county may, if they see fit, appoint and pay a medical officer of health (*g*), or medical officers of health, who shall not hold any other appointment or engage in private practice without express written consent of the council.

(*g*) As to the appointment, qualification, and duties of a medical officer of health under the Public Health Act, 1875, see Local and Municipal Government (under “Medical Officer of Health”).

(2.) The county council and any district council (*r*) may from time to time make and carry into effect arrangements for rendering the services of such officer or officers regularly available in the district of the district council (*r*), on such terms as to the contribution by the district council to the salary of the medical officer, or otherwise, as may be agreed, and the medical officer shall have within such district all the powers and duties of a medical officer appointed by a district council (*r*).

(3.) So long as such an arrangement is in force, the obligation of the district council (*r*) under the Public Health Act, 1875, to appoint a medical officer of health shall be deemed to be satisfied without the appointment of a separate medical officer.

(*r*) See the definition of district council in the Interpretation Clause, s. 100, *post*.

Qualification of medical officers of health.

18. Except where the Local Government Board, for reasons brought to their notice, may see fit in particular cases specially to allow, no person shall hereafter be appointed the medical officer of health of any county or county district, or combination of county districts, or the deputy of any such officer, unless he be legally qualified for the practice of medicine, surgery, and midwifery (*s*).

(*s*) The qualification prescribed by the Local Government Board in the case of medical officers of health under the Public Health Act, 1875, is as follows: “A person shall not be qualified to be appointed unless he shall be registered under ‘The Medical Act of 1858,’ and

qualified by law to practise both medicine and surgery in England and Wales, such qualification being established by the production to the sanitary authority of a diploma, certificate of a degree, licence, or other instrument granted or issued by competent legal authority in Great Britain or Ireland, testifying to the medical or surgical, or medical and surgical qualification or qualifications of the candidate for such office; provided that the Local Government Board may, upon the application of the sanitary authority, dispense with so much of this regulation as requires that the medical officer of health shall be qualified to practise both medicine and surgery, if he is duly registered under the said Act to practise either medicine or surgery." *Vide* Local and Municipal Government, p. 1557.

(2.) No person shall after the first day of January, One thousand eight hundred and ninety-two be appointed the medical officer of health of any county or of any such district or combination of districts, as contained, according to the last published census for the time being, a population of fifty thousand or more inhabitants, unless he is qualified as above mentioned, and also either is registered in the medical register as the holder of a diploma in sanitary science, public health, or State medicine under section twenty-one of the Medical Act, 1886, or has been during three consecutive years preceding the year one thousand eight hundred and ninety-two a medical officer of a district or combination of districts, with a population according to the last published census of not less than twenty thousand, or has before the passing of this Act been for not less than three years a medical officer or inspector of the Local Government Board.

49 & 50 Vict.
c. 48.

19.—(1.) Every medical officer of health for a district in any county shall send to the county council a copy of every periodical report of which a copy is for the time being required by the regulations of the Local Government Board to be sent to the board, and if a medical officer fails to send such copy the county council may refuse to pay any contribution, which otherwise the council would in pursuance of this Act pay, towards the salary of such medical officer.

Power of
county council
as to report of
medical officer
of health.

(2.) If it appears to the county council from any such report that the Public Health Act, 1875, has not been properly put in force within the district to which the report relates, or that any other matter affecting the public health of

the district requires to be remedied, the council may cause a representation to be made to the Local Government Board on the matter.

Financial Relations between Exchequer and County, and Contributions by County for Costs of Union Officers.

Payment to county council of proceeds of duties on local taxation licences.

20.—(1.) After the financial year ending on the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall from time to time, in such manner and under such regulations as the Treasury from time to time prescribe, pay into the Bank of England to such account (in this Act referred to as the Local Taxation Account) (*t*) as may be fixed by the regulations, such sums as may be ascertained in manner provided by the regulations to be the proceeds of the duties collected by those commissioners in each administrative county in England and Wales on the licences (in this Act referred to as local taxation licences) specified in the First Schedule to this Act (*u*), and for the purposes of this section all penalties and forfeitures recovered in respect of the said duties shall be considered as part of the proceeds of the duties.

(*t*) As to the audit of the Local Taxation Account, and as to obtaining temporary loans to meet deficiencies therein, see sect. 27 (2, 3), *post*, p. 41.

(*u*) See the financial statement in the Appendix, *post*, p. 266. As to the grant of the horse and wheel tax in year ending 31st March, 1889, see sect. 121, *post*, p. 152.

(2.) The amount ascertained as aforesaid to have been collected in each county in respect of duties on local taxation licences shall, from time to time, be certified by the Commissioners of Inland Revenue, and paid under the direction of the Local Government Board out of the Local Taxation Account to the council of such county. The commissioners may, if they think fit, vary such certificate, but unless so varied, their certificate shall be conclusive.

(3.) It shall be lawful for Her Majesty the Queen from time to time by Order in Council made on the recommendation of the Treasury to transfer to county councils as from the date specified in the order the power to levy the duties on all or any of the local taxation licences, and after such date every county council and their officers shall (subject nevertheless to any ex-

ceptions and modifications contained in the order) have within their county, for the purpose of levying the duties transferred, the same powers, duties, and liabilities as the Commissioners of Inland Revenue and their officers have with respect to the duties transferred, and to the issue and cancellation of licences on which the duties are imposed, and other matters under the Acts relating to those duties and licences, and all enactments relating to those duties and licences, and to punishments and penalties connected therewith, shall apply accordingly.

(4.) Provided as follows :—

- (i) All penalties and forfeitures recovered by a county council in pursuance of this section shall, instead of being paid to the Exchequer, be paid to the county fund, and carried to the same account as the duties.
- (ii) The county council shall have, as respects the said duties and licences, the power given by the said Acts to the Treasury for the restoration of any forfeiture, and the mitigation or remission of any penalty or any part thereof.
- (iii) Nothing in this section shall confer on the county council any special privileges of the Crown as respects legal proceedings.

(5.) On a transfer under this section of the power to levy the duties on any licence—

- (a) the county council shall provide for issuing, in different parts of their county, their licence for the same purpose, so as to enable persons to obtain it near their residences; and
- (b) if such licence has operation in any place in the United Kingdom outside the county in which it is issued, the licence of a county council for the same purpose shall continue to have the like operation outside the county in such place.

21. After the financial year ending the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall, from time to time, in such manner and under such regulations as the Treasury may from

Grant to county council of portion of probate duty.

time to time prescribe, pay into the Bank of England to the Local Taxation Account, such sums as may be ascertained in manner provided by the regulations to be four fifth parts of one-half (*u*) of the proceeds of the sums collected by them in respect of the probate duties, and for the purpose of this section "probate duties" means the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England, Wales, or Ireland, and on the inventory exhibited and recorded in Scotland, and also the stamp duties charged on such accounts of personal and movable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881 (*x*), and also includes the proceeds of all penalties and forfeitures recovered in relation to such stamp duties.

44 & 45 Vict.
c. 12.

(*u*) As to this grant in the financial year ending 31st March, 1889, see sect. 121, *post*, p. 152.

(*x*) By that section, the personal or movable property to be included in an account shall be property of the following description, viz. :—

"(a) Any property taken as a *donatio mortis causã* made by any person dying on or after the 1st day of June, 1881, or taken under a voluntary disposition made by any person so dying purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust, or otherwise, which shall not have been *bonã fide* made three months before the death of the deceased.

"(b) Any property which a person dying on or after such day, having been absolutely entitled thereto, has voluntarily caused or may voluntarily cause to be transferred to or vested in himself and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein, or in some part thereof, passes or accrues by survivorship on his death to such other person.

"(c) Any property passing under any past or future voluntary settlement made by any person dying on or after such day, by deed or any other instrument not taking effect as a will, whereby an interest in any such property for life, or any other period determinable by reference to death, is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right, by the exercise of any power, to restore to himself or reclaim the absolute interest in such property.

"3. Where an account delivered, duly stamped, comprises property passing under a voluntary settlement, and upon the production of the settlement, it shall appear that the stamp duty of five shillings per centum has been paid thereon according to the amount or value of the property so passing, or any part thereof, the amount of such stamp duty shall be returned to the person delivering the account."

22.—(1.) The sums paid in pursuance of this Act to the Local Taxation Account, in respect of the proceeds of the probate duties (in this Act referred to as the “probate duty grant”), shall, until Parliament otherwise determine, be distributed among the several counties in England and Wales in proportion to the share which the Local Government Board certify to have been received by each county during the financial year ending the thirty-first day of March next before the passing of this Act out of the grants heretofore made out of the Exchequer in aid of local rates, which will cease to be granted after the passing of this Act, and the share to be so certified shall be estimated in such manner as the Local Government Board direct (*y*).

(*y*) For statement showing the proportion of the probate duty grant (1,800,000*l.*) which it is estimated will be received in each geographical county of England and Wales, &c., including the metropolis, on the basis of the mean number of indoor paupers as defined by this section, *vide* Financial Statement, *post*, p. 282.

(2.) In the case of the six counties of South Wales and the Isle of Wight there shall be added to the amount actually received out of such grants as aforesaid such additional sum as the Local Government Board certify to be the amount which each of the said counties and the Isle of Wight would have received, if the roads maintained by the county roads boards, or the highway commissioners, had been main roads.

(3.) The proportion to be paid to each county shall from time to time be paid under the direction of the Local Government Board to the county council out of the Local Taxation Account. The Board may, if they think proper, vary their certificate, but unless it is so varied, their certificate shall be conclusive.

23.—(1.) All sums from time to time received by a county council in respect of—

(a) the duties on the local taxation licences (*z*), whether collected by the Commissioners of Inland Revenue or by the county council (*a*); and

(b) the probate duty grant (*b*),

shall be paid to the county fund and carried to a separate account, in this Act referred to as the Exchequer Contribution Account.

Application of
duties on
local taxation
licences, and
probate duty
grant.

(*z*) See sect. 20, *ante*. (*a*) See sect. 21, *ante*. (*b*) See sect. 22, *ante*.

Local Government (England and Wales) Act, 1888.

(2.) All sums for the time being standing to the Exchequer Contribution Account shall be applied—

- (i) in paying the costs incurred in respect thereof, or otherwise chargeable thereon; and
- (ii) in payment of the sums required by this Act to be paid by the county council in substitution for local grants (*c*); and
- (iii) in payment of the grant required by this Act to be made by the county council in respect of costs of union officers (*d*); and
- (iv) in repaying to the general county account of the county fund the costs on account of general county purposes for which the whole of the area of the county is liable to be assessed to county contributions;

and shall be so applied in the order above mentioned.

(*c*) See sect. 24, *post*.

(*d*) See sect. 26, *post*.

(3.) If any surplus remains after paying the above costs and sums, such proportion of the surplus, as the total rateable value of the area of each quarter sessions borough exempt from contributing to any special county purpose, bears to the rateable value of the whole county, shall be paid to the council of that borough, and the remainder shall be applied as follows:

(4.) It shall first be applied towards repaying to the proper special accounts of the county fund, the costs on account of which the area of the county, exclusive of such quarter sessions boroughs, is liable to be assessed to county contributions.

(5.) Provided that where any of the said quarter sessions boroughs to which a payment of a proportion of the surplus is made as aforesaid is liable to be assessed to county contributions for any of such last-mentioned costs, there shall be deducted from the amount payable to the council of that borough in respect of the said surplus such sum as would have been raised within the area of the borough if the amount of such costs had been raised by county contributions.

(6.) If there remains any sum after repaying the said costs to the said accounts of the county fund, such residue shall be divided as follows, that is to say, such proportion thereof as

the total rateable value of the area of each borough maintaining a separate police force under the County and Borough Police Acts, and not being a quarter sessions borough above mentioned, bears to the rateable value of the whole county, after deduction of the rateable value of every quarter sessions borough above mentioned, shall be paid to the council of the borough, and the rest shall be applied towards repaying to the proper special accounts of the county fund the costs of the police, and other costs on account of which the area of the county, exclusive of all the said boroughs, is liable to be assessed to county contributions. Where a town, not being a borough, maintains its own police and receives any payment from the county council in pursuance of this Act towards the pay and clothing of such police, this enactment shall apply to such town as if it were a borough, and as if the sanitary authority therein were the council of the borough.

(7.) If any balance remains after all the above payments are made, and is in excess of what the county council consider necessary to carry forward to the next account, such excess shall be divided among the district councils other than the councils of quarter sessions or other boroughs to whom portions of the surplus have been paid under the foregoing provisions of this section, and shall be so divided in proportion to the rateable value of the area of each district.

(8.) Where any part of a county is situate within the Metropolitan police district, this section shall apply as if that part were the area of a borough maintaining a separate police force, save that the sum which would be payable to such borough shall be paid to the district councils of the county districts wholly or partly situate in such part, and shall be divided among such district councils in proportion to the rateable value of the area of each district, or of so much thereof as is within the Metropolitan police district.

(9.) All sums paid in pursuance of this section shall be carried, if paid to the council of a borough, to the borough fund, and if paid to a district council other than the council of a borough, to the district fund, and shall be applied to purposes for which the whole of the borough or district is liable to be rated.

(10.) The rateable value for the purpose of this section, shall be determined according to the standard or basis for county contributions for the time being.

Payments by county council in substitution for annual local grants out of Exchequer in aid of local rates.

24. Whereas certain grants heretofore made out of the Exchequer in aid of local rates (in this Act referred to as local grants) will, by reason of the duties on the local taxation licences, and the probate duty grant, being by this Act made payable to local authorities, cease, it is therefore hereby enacted as follows:—

(1.) So much of any enactment as requires or authorises payment out of the Exchequer of any local grant in substitution for which the county council is required by this Act to make any payment, is hereby repealed as from the thirty-first day of March next after the passing of this Act without prejudice to any right accrued before that day.

(2.) In substitution for local grants, the council of each county shall from time to time as from the said day pay out of the county fund and charge to the Exchequer Contribution Account the following sums, that is to say—

(a) they shall pay to the guardians for every poor law union or officer for any other area wholly or partly in the county (as the case may be) such sums as the Local Government Board from time to time certify to be due from the said council in substitution for the local grants towards the remuneration of teachers in poor law schools (*a*), and for payments to public vaccinators under section five of the Vaccination Act, 1867 (*b*); and

(b) they shall pay to the guardians of every poor law union the school fees paid for pauper children sent from a workhouse to a public elementary school outside the workhouse; and

(c) they shall pay to every local authority, for any area wholly or partly in the county, by whom a medical officer of health or inspector of nuisances is paid, one half of the salary of such officer (*c*), where his qualification, appointment, salary, and tenure of office are in accordance with the regulations made by order under the Public Health Act, 1875, or

any Act repealed by that Act, but if the Local Government Board certify to the council that such medical officer has failed to send to the Local Government Board such report and returns as are for the time being required by the regulations respecting the duties of such officer, made by order of the board under any of the said Acts, a sum equal to such half of the salary shall be forfeited to the Crown, and the council shall pay the same into her Majesty's exchequer and not to the said local authority; and

- (d) they shall pay to the guardians paying the registrars of births and deaths (*d*) for any district wholly or partly in the county a sum equal to the amount paid out of local grants towards the remuneration of the registrars paid by those guardians during the financial year ending on the thirty-first day of March next after the passing of this Act; and
- (e) they shall transfer to that account of the county fund to which the maintenance of any pauper lunatic (*e*) chargeable to the county is charged, a sum equal to four shillings a week for each such pauper lunatic, for whom the net charge upon the county council, after deducting any amount received by the county council for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so transferred (*e*); and
- (f) they shall pay to the guardians of every poor law union wholly or partly in the county a sum equal to four shillings a week for each pauper lunatic chargeable to that union, and maintained in an asylum, registered hospital, or licensed house, for whom the net charge upon the guardians, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid (*e*); and

Local Government (England and Wales) Act, 1888.

- (g) they shall pay to the council of each borough to which the maintenance of any pauper lunatic is chargeable, a sum equal to four shillings a week for each such pauper lunatic for whom the net charge upon the council of the borough, after deducting any amount received by them for the maintenance of such lunatic from any source other than local rates, is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is so paid (*e*); and
- (h) they shall transfer to that account of the county fund to which the compensation payable to the clerk of the peace of a county, or any other officer of quarter sessions for the county, under section eighteen of the Act of the session of the eighteenth and nineteenth years of the reign of her present Majesty, chapter one hundred and twenty-six (*f*) is charged, the amount of such compensation; and
- (i) they shall, subject to the provisions of this Act, transfer to the police account of the county fund a sum equal to one half of the costs of the pay and clothing of the police of the county during the preceding year (*g*); and
- (j) they shall, subject to the provisions of this Act, pay to the council of each borough maintaining a separate police force under the County and Borough Police Acts, one half of the costs of the pay and clothing of the police of that borough during the preceding year; and
- (k) they shall, if within their county sums are raised by rates for the purpose of the metropolitan police, pay to the receiver for the metropolitan police district in each year (*h*), a sum bearing such proportion to the sum actually raised in the same year by rates from the parishes in that county for the said purpose as a secretary of state certifies to be the proportion which would have been contributed out of the exchequer under the arrangement in force during the financial year next before the passing of this Act.

According to the financial statement of the Local Government Board, *post*, p. 274, the amounts paid in each geographical county of

England and Wales, including the metropolis, for the financial year 1886-7, were—

(a) In respect of the salaries of teachers in poor law schools	£36,825
(b) In respect of payments to public vaccinators under sect. 5 of the Vaccination Act, 1867	17,313
(c) In respect of the remuneration of poor law medical officers	44,278

To these payments must be added the grants that were made in the same financial year and for the same purposes in each municipal borough in England and Wales with a population of over 50,000 at the last census, and in the counties of cities mentioned on p. 279, *post*, which amounted in the aggregate

(a) to	£7,881
(b) ,,	3,412
(c) ,,	23,501

(d) The grant in respect of registrars of births and deaths for the year 1886-7 amounted—

In counties, to 9,500*l.*

In the municipal boroughs aforesaid and counties of cities, to 913*l.*

(*Vide* Financial Statement, *post*, pp. 274, 279.)

(e) Amounts paid in 1886-7—

In counties, 485,214*l.*

In municipal boroughs and counties of cities aforesaid, 104,351*l.*

(*Vide* Financial Statement, *post*, pp. 274, 278.)

The amount of such compensation for the year 1886-7 is included in the grants entered under the head of Criminal Prosecutions. (*Vide* Financial Statement, *post*, pp. 275, 279.)

(*f*) This section provides that “immediately after the passing of this Act (14th August, 1855) the commissioners of her Majesty’s treasury shall, upon the application of any such clerk of the peace or other officer by such means and in such manner as they may think proper, inquire into and ascertain the annual amount to be computed upon an average of five years immediately preceding the passing of this Act, or of such shorter period as such clerk of the peace or other officer shall have been in office, of the fees and emoluments in criminal prosecutions received by such clerk of the peace or other officer; and the said commissioners shall upon the like application also ascertain in such manner as they may think proper the total amount of fees and emoluments in criminal prosecutions received by such clerk of the peace or other officer during any year after the passing of this Act; and the said commissioners are hereby authorized and empowered by warrant under their hands to award to such clerk of the peace or other officer the deficiency, when and so often as the same shall occur, between the last-mentioned amount and the annual average amount so ascertained as

aforesaid, and the sum so awarded shall be paid out of any moneys which may be provided by Parliament for that purpose: provided that in all cases where any such clerk of the peace, by reason of his being paid by salary under an order made by virtue of the Act 14 & 15 Vict. c. 55, shall pay such fees and emoluments as aforesaid to the treasurer of the county or borough for which he is clerk of the peace in aid of the county or borough rate, as the case may be, such deficiency, when so ascertained as aforesaid, shall be paid to the treasurer of such county or borough respectively."

(g) The grants in aid of the pay and clothing of the police for the year 1886-7 amounted—

In counties and liberties, 409,611*l.*

In boroughs, 570,841*l.*

In the municipal boroughs and counties of cities aforesaid, 340,734*l.*

(*Vide* Financial Statement, *post*, pp. 275, 278.)

(h) The amount shown as the total grants for the Metropolitan police (Financial Statement, *post*, p. 275) does not include the salaries of the Commissioners and Receiver and the non-effective charge.

(3.) A reference in sections one hundred and eighty-nine and one hundred and ninety-one of the Public Health Act, 1875, to officers any portion of whose salary is paid out of moneys provided by Parliament, shall be construed to refer to those officers in respect of whose salaries payment is made by a county council in pursuance of this section.

(4.) Where any payment towards the pay and clothing of the police of any town has been made in pursuance of section eighteen of the County and Borough Police Act, 1856, which authorizes such payment to be made until the discontinuance of the police, the like payment shall, notwithstanding anything in this section, be made by the county council to the authority of such town until such discontinuance.

(5.) Where a sum is payable under this section to the guardians, authority, or officer of a union or other area, and such union or area is situate in more administrative counties than one, a proportionate part only of the sum otherwise payable shall be paid by the council of each of such counties to the guardians, authority, or officer, and the Local Government Board shall certify the proportionate part due from the council of each such county.

(6.) The guardians, authority, or officer to whom a sum is payable under this section on the certificate of the Local Government Board, shall submit to the board their claim to

the payment in such manner, and produce such evidence and comply with such rules as the board from time to time require or make, and the board shall fix the amount due on the like principles, and may impose the like conditions for the payment thereof as before the passing of this Act.

(7.) The Local Government Board may, if they think fit, vary a certificate granted for the purposes of this section, but, unless so varied, it shall be conclusive.

25.—(1.) If a Secretary of State withholds, as respects the police of any county, his certificate under the County and Borough Police Act, 1856 (*i*), that the police of the county has been maintained in a state of efficiency in point of numbers and discipline during the year ending on the twenty-ninth day of September then last past, the council of that county, in lieu of transferring any sum under the foregoing provisions of this Act to the police account of the county fund, shall forfeit to the crown and shall pay into her Majesty's Exchequer out of the county fund, and shall charge to the Exchequer Contribution Account of that fund, such sum as the Secretary of State certifies to be in his opinion equivalent to one-half of the cost of the pay and clothing of the police of the county during the said year.

As to Secretary of State's power respecting efficiency of police.

(*i*) The County and Borough Police Act, 1856 (19 & 20 Vict. c. 69), s. 16, is as follows:—

“ Upon the certificate of one of her Majesty's principal Secretaries of State that the police of any county or borough established under the provisions of the said Acts and this Act, or any of them, has been maintained in a state of efficiency in point of numbers and discipline for the year ending on the 29th of September then last past, it shall be lawful for the Commissioners of her Majesty's Treasury to pay from time to time out of the moneys provided by Parliament for the purpose such sum towards the expenses of such police for the year mentioned in such certificate as shall not exceed one-fourth of the charge for their pay and clothing, but such payment shall not extend to any additional constables appointed under the 19th section of the said Act 3 & 4 Vict. c. 88; provided that before any such certificate shall be finally withheld in respect of the police of any county or borough the report of the inspector relating to the police of such county or borough shall be sent to the justices of such county,

or to the watch committee of such borough, who may address any statement relating thereto to the Secretary of State; and in every case in which such certificate is withheld, a statement of the grounds on which the Secretary of State has withheld such certificate, together with any such statement of the justices or watch committee as aforesaid, shall be laid before Parliament."

19 & 20 Vict.
c. 69.

(2.) If a Secretary of State withholds, as respects the police of any borough, his certificate under the County and Borough Police Act, 1856 (*j*), that the police of the borough has been maintained in a state of efficiency in point of numbers and discipline for the year ending on the twenty-ninth day of September then last past, no payment shall be made by the county council to the council of the borough in respect of one-half of the costs of the pay and clothing of the police of that borough during the said year, and such amount as a Secretary of State certifies to be in his opinion the equivalent of such one-half shall be transferred by the county council from the Exchequer Contribution Account to the general county account and applied to the general purposes of the county.

(*j*) See note to preceding section.

Grant by
county council
towards costs
of officers of
union.

26.—(1.) After the thirty-first day of March next after the passing of this Act, every county council, other than the London county council, shall grant to the guardians of every poor law union wholly or partly in their county, an annual sum for the costs of the officers of the union and of district schools to which the union contributes; and, until Parliament otherwise determine, the said annual sum shall be such sum as the Local Government Board certify to have been expended by the guardians of each poor law union during the financial year ending the twenty-fifth day of March next before the passing of this Act, on the salaries, remuneration, and superannuation allowances of the said officers (other than teachers in poor law schools), and on drugs and medical appliances (*k*).

(*k*) For the total amount of these grants, *vide* Financial Statement, *post*, p. 274.

(2.) Where a poor law union is situate in more counties than one, the payment under this section to the guardians of

the union shall be borne by the counties in which each portion of such union is situate, in proportion to the rateable value of that portion, ascertained on such day as the Local Government Board may fix (*l*).

(*l*) Where a poor law union is situate in more than one county, the Local Government Board may order that the same shall continue to be one union for the purposes of indoor paupers or any of those purposes, and shall be divided into two poor law unions for the purpose of outdoor relief. Sect. 58, *post*.

See sect. 22 (*5*), *ante*.

27.—(1.) When a county council are required under the provisions of this or any other Act to pay any sum into her Majesty's Exchequer, or to the Treasury, or to the receiver for the metropolitan police district, such sum shall be deducted from the amount payable under the provisions of this Act out of the Local Taxation Account (*m*) to such county council, and instead of being paid to the county council, shall be paid into her Majesty's Exchequer, or to the receiver for the metropolitan police district, as the case requires.

Supplemental provisions as to local taxation account and Exchequer contribution account.

(*m*) *i. e.*, the account in the Bank of England of the proceeds of local taxation licences. See sect. 20 (1), *ante*.

(2.) The account of the receipts and expenditure of the Local Taxation Account shall be audited as a public account by the Comptroller and Auditor-General in accordance with such regulations as the Treasury may from time to time make.

(3.) If at any time in any financial year the moneys standing to the Local Taxation Account are insufficient to meet such sums as the Local Government Board consider proper for the time being to pay thereout, the Local Government Board may borrow temporarily on the security of the said account and of moneys becoming payable thereto such sums as they require for the purpose of meeting such deficiency, and the Bank of England may lend such sums, but all sums so borrowed shall be repaid with the interest thereon during the same financial year out of moneys payable to the said account.

General Provisions as to Transfer.

General provisions as to powers transferred to county council.

28.—(1.) The county council shall, as respects the business by this Act transferred to them from quarter sessions or the justices out of sessions, be subject to the provisions and limitations in this Act specified, but, save as aforesaid, shall have and be subject to all the powers, duties, and liabilities, which the quarter sessions, or any committee thereof, or any justice or justices had or were subject to in respect of the business so transferred.

(2.) The county council shall, with the exceptions hereinafter mentioned, have power to delegate, with or without any restrictions or conditions as they may think fit, any powers or duties transferred to them by or in pursuance of this Act, either to any committee of the county council appointed in pursuance of this Act, or to any district council in this Act mentioned (*m*); the county council may also, without prejudice to any other power whether to appoint committees or otherwise, delegate to the justices of the county sitting in petty sessions any power or duty transferred by this Act to the county council in respect of the licensing of houses or places for the public performance of stage plays, and in respect of the execution as local authority of the Explosives Act, 1875, or of the Act relating to contagious diseases of animals.

38 & 39 Vict.
c. 17.

(3.) Provided that the county council shall not under this section delegate any power of raising money by rate or loan.

(*m*) See also Mun. Corporations Act, s. 22, *post*, p. 184.

Summary proceeding for determination of questions as to transfer of powers.

29. If any question arises, or is about to arise, as to whether any business, power, duty, or liability is or is not transferred to any county council or joint committee under this Act, that question, without prejudice to any other mode of trying it, may, on the application of a chairman of quarter sessions, or of the county council, committee, or other local authority concerned, be submitted for decision to the High Court of Justice in such summary manner as, subject to any rules of court, may be directed by the court; and the court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

30.—(n) (1.) For the purpose of the police, and the clerk of the peace, and of clerks of the justices, and joint officers, and of matters required to be determined jointly by the quarter sessions and the council of a county, there shall be a standing joint committee of the quarter sessions and the county council, consisting of such equal number of justices appointed by the quarter sessions and of members of the county council appointed by that council, as may from time to time be arranged between the quarter sessions and the council, and in default of arrangement such number taken equally from the quarter sessions and the council as may be directed by a Secretary of State.

Standing joint committee of quarter sessions and county council for the purpose of police, clerk of the peace, officers, &c.

(n) These provisions do not apply in the case of a borough which is a county by itself. Sect. 34, *post*.

(2.) The joint committee shall elect a chairman, and, in the case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot.

(3.) Any matter arising under this Act with respect to the police, or to the clerk of the peace, or to clerks of the justices, or to officers who serve both the quarter sessions or justices and the county council, or to the provision of accommodation for the quarter sessions or justices out of session, or to the use by them, or the police, or the said clerks of any buildings, rooms, or premises, or to the application of the Local Stamp Act, 1869, to any sums received by clerks to justices, or with respect to anything incidental to the above-mentioned matters, and any other matter requiring to be determined jointly by the quarter sessions and county council, shall be referred to and determined by the joint committee under this section; and all such expenditure as the said joint committee determine to be required for the purposes of the matters above in this section mentioned, shall be paid out of the county fund, and the council of the county shall provide for such payment accordingly.

32 & 33 Vict.
c. 49.

PART II.

APPLICATION OF ACT TO BOROUGHs, THE METROPOLIS, AND
CERTAIN SPECIAL COUNTIES.*Application of Act to Boroughs.*

Certain large
boroughs
named in the
schedule to be
county
boroughs.

31. Each of the boroughs named in the Third Schedule to this Act being a borough which on the first day of June one thousand eight hundred and eighty-eight, either had a population of not less than fifty thousand, or was a county of itself shall, from and after the appointed day, be for the purposes of this Act an administrative county of itself, and is in this Act referred to as a county borough.

Provided that for all other purposes a county borough shall continue to be part of the county (if any) in which it is situate at the passing of this Act, and if a separate commission of assize, oyer and terminer, or gaol delivery is not directed to be executed within the borough, the borough shall, for the purposes of any such commission, and of the service of jurors, and the making of jury lists, be part of the county in which it is specified in the said schedule to be deemed for the purposes of this Act to be situate.

Adjustment
of financial
relations
between
counties and
county
boroughs.

32.—(1.) An equitable adjustment respecting the distribution of the proceeds of the local taxation licences, and probate duty grant, and respecting all other financial relations, if any, between each county and each county borough, specified in the said schedule as being deemed for the purposes of this Act to be situate in that county, shall be made by agreement, within twelve months after the appointed day, between the councils of each county and each borough, and in default of any such agreement, by the commissioners appointed under this Act; and such adjustment shall provide, in the case of any expenses which may in future be incurred by the county wholly or partly on behalf of the borough for the liability of such borough to contribute, and save as provided by this Act, any existing liability to contribute or to incur expense shall, after the appointed day, cease, and an equitable provision for such cessation shall be made in the adjustment.

(2.) Where a county borough is specified in the said schedule as being deemed for the purposes of this Act to be situate in more than one county, the necessary adjustment shall be made between the counties.

(3.) In such adjustment regard shall be had to the existing property, debts, and liabilities (if any) connected with the financial relations of the county and borough, and to the consideration that the county is not to be placed in any worse financial position by reason of the boroughs therein being constituted county boroughs, and that a county borough is not to be placed in a worse financial position than it would have been in if it had remained part of the county, and had shared in the division of the sums received by a county in respect of the licence duties, and the probate duty grant, as provided by this Act, and to the amount of benefit and value of the services which the borough receives in return for existing contributions, if any, and to all the circumstances of each case which it appears equitable to consider, subject nevertheless to the following provisions:—

- (a.) Where separate commissions of assize, oyer and terminer, and gaol delivery are not directed to be executed in a county borough, the borough council shall contribute a proper share of the costs of and incidental to the assizes of the county :
- (b.) If the borough is not at the passing of this Act a quarter sessions borough, the borough council shall contribute a proper share of the costs of and incidental to the quarter sessions and petty sessions of the county, and of and incidental to the coroners of the county or any franchise therein, and if a grant of a court of quarter sessions is hereafter made to the borough, the borough shall redeem the liability to such contribution, on such terms as may be agreed upon, or, in default of agreement, may be determined by arbitration under this Act :
- (c.) Where any portion of the costs of building and furnishing any county lunatic asylum has been contributed by a county borough, then, until a new arrangement is made between the county and borough councils, the borough council shall contri-

Local Government (England and Wales) Act, 1888.

bute in respect of the lunatic asylums for the time being of the county the like amount as would if this Act had not passed have been contributed by the borough ; and the county council shall provide accommodation for and maintain pauper lunatics sent from the borough on the like terms as before the passing of this Act ; and the borough council may, if they so desire, appoint to be members of the committee of visitors of any such asylum such number of members of the council as may be agreed upon, or in default of agreement be determined by the Commissioners under this Act, but such appointment shall be in substitution for any appointment made on the part of the borough under any existing law or arrangement. Any new arrangement may be made between the county council and all the borough councils concerned with respect to any such lunatic asylum, and if any such new arrangement is made, the borough and county councils may carry into effect any adjustment of property, debts, and liabilities which is the subject of such arrangement. If any council desires to make a new arrangement, and any or all of the other councils refuse to agree to the same, the matter shall be referred to the Commissioners under this Act, or, after they have ceased to hold office, to arbitration under this Act.

(d.) Each county borough shall be liable for the maintenance of pauper lunatics in like manner as any other county.

(4.) In the adjustment of any financial relations other than the distribution of the proceeds of the licences and probate duty grant, no borough wholly or partially exempt from contributing to any object shall be rendered liable so to contribute or to contribute in greater proportion than at present.

(5.) The provisions of Part III. of this Act with respect to the adjustment of property, income, debts, liabilities, and expenses, and to borrowing for the purpose shall apply as if the Commissioners under this Act were the arbitrator in that Part mentioned.

(6.) Provided that at any time after the end of five years

from the date of an agreement or award adjusting the financial relations of any county and borough, if the council of either the county or borough satisfy the Local Government Board that the adjustment has become inequitable, and that the councils are unable to agree on a new adjustment, the board shall appoint an arbitrator; and such arbitrator shall proceed to make a new equitable adjustment as if he were the Commissioners under this Act, and the provisions of this Act shall apply accordingly. Any new adjustment made by agreement, or by the award of an arbitrator under this section, may after the expiration of five years from the date of such agreement or award, be altered either by agreement or by arbitration as above mentioned.

(7.) Until any adjustment in pursuance of this section has come into operation, the county or borough council shall pay out of the county or borough fund to the borough or county council, as the case may be, the average annual amount which during the three years next before the appointed day has been expended by the county for the benefit of the borough, or contributed by the borough to the county, as the case may be, but any sum so paid shall be taken into account in the making of the adjustment, and the adjustment shall be made so as to take effect as from the appointed day.

(8.) Any contribution by a county borough to the county in pursuance of this section shall be required and made in accordance with section one hundred and fifty-three of the Municipal Corporations Act, 1882, and that section, except so far as relates to the appointment of an arbitrator, shall apply in like manner as if every such borough were a quarter sessions borough situate in the county.

(9.) Expressions in this section relating to contributions by a borough to a county shall be construed to include any sum raised by the assessment of the parishes or hereditaments in the borough to the county rate.

33.—(1.) Nothing in this Act with respect to county boroughs shall prevent the continuance of one police force for any county borough and any county, or the consolidation of the police forces of any county borough and any county in like manner as heretofore, but where the provisions of this

Provisions as to police and rateable value in county boroughs.

Act affect the arrangement with respect to the consolidated police force for a county and borough, an adjustment shall be made between the council of the borough and county in accordance with the provisions of this Act. The foregoing provisions of this section shall apply to boroughs which are not county boroughs in like manner as if they were re-enacted and in terms made applicable to those boroughs.

(2.) Where, for the purpose of calculating any contribution or payment to be made under this Act, it is necessary to ascertain the rateable value of both a county and a county borough, such rateable value shall be ascertained and fixed by a joint committee composed of representatives of all the councils concerned, and such committee shall for that purpose have all the powers and jurisdiction of quarter sessions and of a committee of justices appointed under the County Rate Act, 1852 (o), and the Acts amending the same, and the number of representatives for the county and each county borough respectively shall be settled by agreement, or in default of agreement by the Local Government Board.

(o) *i. e.*, 15 & 16 Vict, c. 81. Sect. 38 is repealed by sect. 5 of the Municipal Corporations Act, 1882, and sect. 46 by sect. 4 of the Summary Jurisdiction Act, 1884.

Application of Act with modifications to county boroughs.

34.—(1.) The mayor, aldermen, and burgesses of each county borough acting by the council shall, subject as in this Act mentioned, have and be subject to all the powers, duties, and liabilities of a county council under this Act (in so far as they are not already in possession of or subject to the same), and in particular shall, subject to the provisions of this Act as to adjustment between counties and county boroughs, be entitled to receive the like sums out of the local taxation account, and be bound to make the like payments in substitution for local grants and the like grants in respect of the costs of the officers of unions and of district schools as in the case of a county council, so far as the circumstances make such payments applicable, and all the provisions of this Act (including those with respect to the forfeiture on the withholding by a Secretary of State of his certificate as respects the police of the county) shall accordingly, so far as circumstances admit, apply in the case of every such borough, with

the necessary modifications, and in particular with the following modifications:—

- (a) The county borough shall be substituted for the county, and borough fund shall be substituted for county fund, and town clerk shall be substituted for clerk of the peace and clerk of the council:
- (b) A reference to two or more counties shall include a reference to county boroughs as well as counties:
- (c) Such powers, duties, and liabilities of the Court of Quarter Sessions or justices as in the case of a county are transferred to the county council shall be transferred to the council of the county borough, whether the same are vested in or attached to the Court of Quarter Sessions or justices of the borough or of the county in which the borough is situate:
- (d) In the case of the duties collected by the Commissioners of Inland Revenue in respect of the licences for trade carts, locomotives, horses, mules, and horse dealers under any Act of the present session, those commissioners shall certify the amount collected in each county in like manner as if the county included each county borough specified in the Third Schedule to this Act as deemed to be situate in that county, and the amount as so ascertained shall be divided between the said boroughs, and the residue of the said county in proportion to rateable value as fixed by the joint committee in pursuance of this Act, and until such value is fixed in proportion to rateable value according to the standard or basis for county contributions for the time being, and the share so ascertained shall be paid in like manner as if it had been collected in the county borough or in the residue of the county, as the case may be:
- (e) Any sum standing to the Exchequer contribution account of a county borough which remains after payment of the grant required to be made in respect of the costs of union officers shall be carried to the borough fund, or be applied in aid of such rate leviable over the whole of the borough as the council may determine, and the provisions respect-

ing the payment of the same to the general county account of the county fund, and the subsequent application and division thereof, shall not apply.

(2.) On the appointed day there shall be transferred to the mayor, aldermen and burgesses of each county borough all such bridges and approaches thereto or parts thereof situate within the borough as were previously repairable by the county or any hundred therein, and the costs of the council in repairing such bridges and approaches or parts thereof, and in repairing any roads in the borough which by virtue of this Act or any Act applied by this Act are main roads, shall be payable out of the borough fund.

(3.) The provisions of this Act with respect to—

- (a) the constitution, election, proceedings, or position of the county council or the chairman thereof,
- (b) the county treasurer, county surveyor, and other county officers,
- (c) the standing joint committee of the justices and the council, or
- (d) coroners, or
- (e) gas meters, or
- (f) the transfer to the council of powers relating to county and other rates, and the preparation or revision of the basis or standard for the county rate;

shall not apply to county boroughs, nor shall Part IV. of this Act relating to finance apply, save so far as is expressly provided in that Part.

(4.) Provided that where the district of any county coroner is wholly situate within a county borough, the coroner for that district shall be appointed by the council of that borough, and the writ for his election may be issued to that council instead of to the county council, and where the district of any county coroner is situate partly within and partly without a county borough, the writ for the election of such coroner shall be issued to the county council, but if there is a joint committee of the county and borough councils for the purpose, the question of the person to be elected shall be referred to that joint committee, and the county council shall appoint the person recommended by the majority of such committee.

(5.) If the council of a county borough so require, a joint

committee shall from time to time be appointed for the purposes of coroners, consisting of such number of members of the county and borough councils as may be agreed upon, or in default of agreement may be determined by a Secretary of State.

(6.) Nothing in this Act shall transfer to the council of any borough any power in relation to the division of the county into polling districts for the purpose of a parliamentary election for the county, the appointment of places of election for the county, the places of holding courts for the revision of the lists of voters, and the costs of, and other matters to be done for, the registration of parliamentary voters for the county.

(7.) The powers and duties of the county authority under the Allotments Act, 1887, shall, as respects the borough, continue to be exercised and performed by the Local Government Board. 50 & 51 Vict.
c. 48.

(8.) This Act and the Municipal Corporations Act, 1882, shall be construed so as to give effect to the provisions of this section. 45 & 46 Vict.
c. 50.

35. In the case of a quarter sessions borough, not being one of the boroughs named in the Third Schedule to this Act, but containing, according to the census of one thousand eight hundred and eighty-one, a population of ten thousand or upwards, the following provisions shall, on and after the appointed day, apply:

Application of Act to larger quarter sessions boroughs not county counties.

(1.) Nothing in this Act shall transfer to the county council any power of the council of the borough as local authority under any Act, or (save as in this Act expressly mentioned) alter the powers, duties, and liabilities of the council of the borough under the Municipal Corporations Act, 1882, but subject to the above provisions and to the savings hereinafter contained, the borough shall form part of the county for the purposes of this Act, and the parishes in the borough shall, subject to the exemptions hereinafter mentioned, be liable to be assessed to county contributions in like manner as the rest of the county.

(2.) Where such borough is at the passing of this Act exempt, in whole or in part, from contributing towards costs

incurred for any purpose for which the quarter sessions of the county in which the borough is situate are authorised to incur cost, the parishes in the borough shall not, save as in this Act expressly mentioned, be assessed by the county council to county contributions in respect of costs incurred for any such purpose, nor in the case of a partial exemption, be so assessed for any larger sum than such as will give effect to that exemption, but this exemption shall not extend to any costs incurred for the purpose of any powers, duties, or liabilities of the justices of the borough, which will by virtue of this Act be exercised or discharged by the county council nor to any costs of or incidental to the assizes of the county.

(3.) Notwithstanding the last enactment the borough shall, for the purposes of the provisions of the Highways and Locomotives (Amendment) Act, 1878 (*p*), respecting main roads, form part of the county, and the costs of maintaining, repairing, improving, enlarging, or otherwise dealing with any main road in the borough shall be paid out of the county fund, and the payment of the costs incurred in the execution of the provisions of this Act with respect to main roads shall be a general county purpose for which the parishes of the borough may be assessed to county contributions :

41 & 42 Vict.
c. 77.

(*p*) The section is as follows:—

“ 169. A municipal corporation of a borough having a separate court of quarter sessions shall be liable to pay the costs and expenses attending the prosecution of any felony committed or supposed to have been committed in the borough, and of any other offence committed or supposed to have been committed in the borough, the costs and expenses attending the prosecution whereof are by law payable as in the case of a felony. The amount of those costs and expenses shall be ascertained as directed by law, and the order of the Court for the payment thereof shall be directed to the treasurer of the borough.

(4.) Provided that—

(a) the borough shall be deemed to be an urban sanitary district within the meaning of the Highways and Locomotives (Amendment) Act, 1878; and the council of the borough shall have the power under the Highways and Locomotives (Amendment) Act, 1878, of making bye-laws respecting locomotives, and authorising locomotives to be used on any road within the borough, save that if any difference is

41 & 42 Vict.
c. 77.

made by such bye-laws or authority between any main road maintained by the county council and the other roads in the borough, such authority and bye-laws shall require the approval of the county council; and

- (b) the council of the borough shall have power as an urban authority to claim, in accordance with this Act, to retain the powers and duties of maintaining and repairing any main road in the borough; and
- (c) the council of the borough may within two years after the passing of this Act apply to the county council to declare such roads in the borough as are mentioned in the application to be main roads within the meaning of the Highways and Locomotives (Amendment) Act, 1878, and the county council shall consider such application and inquire whether such roads are or ought to be main roads within the meaning of the said Act, and shall make or refuse the declaration accordingly, and if the county council refuse to make the declaration, the council of the borough may within a reasonable time after such refusal apply to the Local Government Board, and that Board shall have power, if after a local inquiry they think it just so to do, to make the said declaration, which shall have the same effect as if made by the county council.

(5.) The payment of the costs of assizes and sessions shall be a general county purpose for which the parishes in the borough may be assessed to county contributions, and all costs of prosecutions mentioned in section one hundred and sixty-nine of the Municipal Corporations Act, 1882 (*g*), shall be paid out of the county fund.

45 & 46 Vict.
c. 50.

(*g*) See note to sub-section 3, *ante*.

(6.) The county councillors elected for an electoral division consisting wholly of such borough, or of some part of such borough, shall not act or vote in respect of any question arising before the county council as regards matters involving expenditure on account of which the parishes in the borough

are not, for the time being, liable to be assessed equally with the rest of the county to county contributions.

(7.) The county council and the council of any such borough may agree for the cessation in whole or in part of any exemption under this section of the parishes in the borough from assessment to county contributions, in consideration either of payment by the county council of a capital sum, or of an annual payment, or of a transfer of property or liabilities, or of the county council undertaking in substitution for the council of the borough any powers or duties, or partly for one consideration and partly for another, or in any other manner, according as may be determined.

(8.) A borough which is a county of a city or a county of a town shall, for the purposes of this section, be deemed to be situate in and form part of the county which it adjoins, or if it adjoins more than one county, then in and of the county of which it forms part for the purposes of parliamentary elections.

General application of Act to boroughs with separate commission of the peace.

36.—(1.) Where a borough has a separate commission of the peace, whether a quarter sessions borough or not (and is not a borough named in the Third Schedule to this Act), then, subject to the provisions of this Act, all such powers, duties, and liabilities of the court of quarter sessions or justices of the borough, as in the case of the county are by this Act transferred to the county council (*g*), shall cease, and the county council shall have those powers, duties, and liabilities within the area of the borough in like manner as in the rest of the county;

(*g*) See sects. 3 and 4, *ante*.

(2.) Provided that such powers, duties, or liabilities, so far as they are under the Acts relating to pauper lunatics, shall, save as otherwise provided by this Act, be transferred to the council of the borough and not to the county council, and the provisions of this Act with respect to the transfer to a county council shall apply with the necessary modifications to such transfer to the council of the borough.

Application of Act to quarter

37. The grant, after the passing of this Act, of a court of quarter sessions to any borough, not being a county borough,

shall not affect the powers, duties, or liabilities of the county council as respects the area of that borough, nor exempt the parishes in the borough from being assessed to county contributions for any purpose to which such parishes were previously liable to be assessed, and shall not confer or impose on the mayor, aldermen, and burgesses, or the council of such borough, any powers, duties, or liabilities further than such as are necessary for establishing and maintaining the court of quarter sessions in the borough.

sessions
boroughs
hereafter
created.

38. Where a borough having a separate court of quarter sessions contained according to the census of one thousand eight hundred and eighty-one a population of less than ten thousand, the following provisions shall after the appointed day apply:—

Application
of Act to
smaller
quarter
sessions
boroughs
with popula-
tion under
10,000.

(1.) There shall be transferred to the county council the powers, duties, and liabilities of the council and justices of the borough as regards the provision, enlargement, maintenance, management, and visitation of and other dealing with asylums for pauper lunatics:

(2.) There shall be transferred to the county council the powers, duties, and liabilities of the council of the borough—

- (a) As regards coroners (*r*); and
- (b) As regards the appointment of analysts under the Acts relating to the sale of food and drugs (*s*); and
- (c) under the Acts relating to—
 - (i) reformatory and industrial schools (*t*); and
 - (ii) fish conservancy (*u*); and
 - (iii) explosives (*v*); and
- (d) under the Highways and Locomotives (Amendment) Act, 1878 (*w*);

Provided that the transfer by this section—

- (a) shall be subject to the provisions in this Act for the protection of existing officers and the continuance of existing contracts (*x*), and
- (b) shall not, save as respects the coroners, affect the powers, duties, and liabilities of the council of the borough under the Municipal Corporations Act, 1882 (*y*):

(*r*) See Municipal Corporations Act, 1882 (Local and Municipal Government, p. 323).

(s) See Sale of Food and Drugs Act, 1875 (Local and Municipal Government, pp. 634, 1480).

(t) See note to sect. 3 (vii).

(u) See note to sect. 3 (xiii).

(v) See Explosives Act, 1875 (Local and Municipal Government, p. 669).

(w) See Local and Municipal Government, p. 877.

(x) See sects. 118—120, *post*.

(y) See Local and Municipal Government, p. 269.

41 & 42 Vict.
c. 77.

(3.) The borough shall be an urban sanitary district within the meaning of the Highways and Locomotives (Amendment) Act, 1878 :

(4.) The council of the borough may, within two years after the passing of this Act, apply to the county council to declare such roads in the borough as are mentioned in the application to be main roads within the meaning of the Highways and Locomotives (Amendment) Act, 1878 (z), and the county council shall consider such application, and inquire whether such roads are, or ought to be, main roads within the meaning of the said Act, and shall make or refuse the declaration accordingly, and if the county council refuse the declaration, the council of the borough may, within a reasonable time after such refusal, apply to the Local Government Board, and that Board, after a local inquiry, shall have power, if they think it just so to do, to make the said declaration, which shall have the same effect as if it had been made by the county council :

(z) See Local and Municipal Government, p. 877.

(5.) The area of the borough shall for the purposes of the above-mentioned Acts and all other administrative purposes of the county council be included in the county, as if the borough had not a separate court of quarter sessions, and accordingly shall be subject to the authority of the county council and the county coroners, and may be annexed by the county council to a coroner's district of the county, and the parishes in the borough shall be liable to be assessed to all county contributions :

(6.) Any property, debts, or liabilities of the county or of any borough affected by this or the next succeeding section (including the charge to be made for lunatics which but for

this Act would have been maintainable by the borough) may be adjusted in manner provided by Part III. of this Act :

(7.) It shall be lawful for Her Majesty the Queen, on petition from the council of any borough to which this or the next succeeding section applies, by Order in Council, to revoke the grant of a court of quarter sessions to the borough, and by letters patent to revoke the grant of a commission of the peace for the borough, and to make such provision as to Her Majesty seems proper for the protection of interests existing at the date of the revocation, and after the date of the revocation all enactments and laws relating to courts of quarter sessions and justices and their jurisdiction shall apply, as if such court of quarter sessions or commission of the peace, as the case may be, did not exist :

(8.) A borough which is a county of a city or a county of a town shall, for the purposes of this and the next succeeding section, and if Her Majesty revokes the grant of a court of quarter sessions or a commission of the peace to such borough, then also for all purposes of quarter sessions and justices, be deemed to be situate in and form part of the county of which it forms part for the purpose of parliamentary elections :

(9.) Where this section applies to a cinque port it shall apply also to all the members thereof, and those members when not situate in a quarter sessions borough shall form part of the county for all purposes.

39.—(1.) Where a borough, whether with or without a separate court of quarter sessions, contained according to the census of one thousand eight hundred and eighty-one a population of less than ten thousand, then after the appointed day all powers, duties, and liabilities of the mayor, aldermen, and burgesses, or council of the borough, or the watch committee of the borough in relation—

Application of Act to all boroughs with population under 10,000.

- (a) to the police force of the borough, or
- (b) to the appointment of analysts under the Acts relating to the sale of foods and drugs, or
- (c) to the execution of the Contagious Diseases (Animals) Acts, 1878 to 1886, or the Destructive Insects Act, 1877 (a), or

41 & 42 Vict.
c. 74.
47 & 48 Vict.
cc. 13, 47.
49 & 50 Vict.
c. 32.
40 & 41 Vict.
c. 68.

(d) to gas meters (a), or

(e) to weights and measures (a), if the council exercise any jurisdiction in relation thereto,

shall cease, and, subject to the provisions of this Act as to the members of the police force holding office on the said day, the area of the borough shall for all purposes of the Acts relating to the county police force or other matters above in this section mentioned form part of the county in like manner as if it were not a borough ;

(a) See note to sect. 3 (xiii.).

(2.) Provided that nothing in this section shall transfer to the county council any powers, duties or liabilities under section thirty-four of the Contagious Diseases (Animals) Act, 1878 (b), as amended by section nine of the Contagious Diseases (Animals) Act, 1886.

41 & 42 Vict.
c. 74.

49 & 50 Vict.
c. 32.

(3.) The urban authority for any borough or town with such population as above in this section mentioned shall cease to be the local authority under the Acts relating to explosives, and the county council shall have the like authority under the said Acts in the said borough or town as they have in the rest of their county.

(b) This section empowers the Privy Council to make orders relative to dairies, cow-sheds, and milk-shops.

Application of Act to Metropolis.

Application
of Act to
Metropolis
as county of
London.

40. In the application of this Act to the Metropolis, the following provisions shall have effect :—

(1.) The Metropolis (b) shall, on and after the appointed day, be an administrative county for the purposes of this Act by the name of the administrative county of London :

(b) As to the meaning of “ the Metropolis,” see s. 100.

(2.) Such portion of the administrative county of London as forms part of the counties of Middlesex, Surrey, and Kent, shall on and after the appointed day be severed from those counties, and form a separate county for all non-administrative purposes by the name of the county of London ; and it shall be

lawful for her Majesty the Queen to appoint a sheriff of that county (*c*), and to grant a commission of the peace and court of quarter sessions (*d*) to that county; and, subject to the provisions of this Act, all enactments, laws, and usages with respect to counties in England and Wales, and to sheriffs, justices, and quarter sessions, shall, so far as circumstances admit, apply to the county of London:

(*c*) By s. 41 (8), *post*, the sheriffs of the city of London shall not have any authority except in the city. The right of the common council of London to appoint the sheriff of Middlesex is to cease. (S. 46 (6).)

(*d*) As to the appointment of a paid chairman and paid deputy chairman of these sessions, see s. 42, *post*.

Quarter sessions for Middlesex, Surrey and Kent, may still be held (s. 42 (12), *post*); but the enactments as to the appointment of an assistant judge, deputy, &c. of Middlesex Sessions, and as to the times for holding these sessions, are to cease. (S. 42 (11), *post*.)

(3.) Provided that, for the purpose of the jurisdiction of the justices under such commission, and of such court, as well as other non-administrative purposes, the county of the city of London shall continue a separate county, but if and when the mayor, commonalty, and citizens of the city assent to jurisdiction being conferred therein on such justices and court may by commission under the great seal be made subject to the jurisdiction thereof:

(4.) The number of the county councillors for the administrative county of London shall be double the number of members which at the passing of this Act the parliamentary boroughs in the Metropolis are authorized by law to return to serve in Parliament; and each such borough, or if it is divided into divisions, each division thereof, shall be an electoral division for the purposes of this Act, and the number of county councillors elected for each such electoral division shall be double the number of members of Parliament which such borough or division is at the passing of this Act entitled to return to serve in Parliament:

Local Government (England and Wales) Act, 1888.

- (5.) Provided that the number of county aldermen in the administrative county of London shall not exceed one-sixth of the whole number of county councillors :
- (6.) The provisions of this Act with respect to the powers, duties, and liabilities of county councils, and the transfer of property, debts, and liabilities of counties to county councils, shall apply to the administrative county of London in like manner, so nearly as circumstances admit, as if the quarter sessions, justices, and clerks of the peace of the counties of Middlesex, Surrey, and Kent had been, so far as regards the Metropolis, the quarter sessions, justices, and clerk of the peace for the administrative county of London :
- (7.) Provided that any property, debts, or liabilities of the county of Kent shall not, by reason only of this enactment, be vested in the county council of London, but such property, debts, and liabilities, and also the property, debts, and liabilities of the counties of Middlesex and Surrey, shall be apportioned between the portions of those counties situate within the Metropolis and the portions situate outside the Metropolis in such manner as may be determined by agreement between the respective county councils, or in default of agreement by the commissioners under this Act, and the property, debts, and liabilities apportioned to the portions within the Metropolis shall be the property, debts, and liabilities of the whole of the administrative county of London :
- (8.) There shall also be transferred to the London county council the powers, duties, and liabilities of the Metropolitan Board of Works (e), and after the appointed day that Board shall cease to exist, and the property, debts, and liabilities thereof shall be transferred to the London county council, and that council shall be in law the successors of the Metropolitan Board of Works.

(e) For these powers, duties, and liabilities, see Appendix, *post*, p. 320.

- (9.) If the London county council borrow for the purposes of this Act they shall borrow in accordance with the provisions of the Acts relating to the Metropolitan Board of Works, but save as aforesaid Part Four of this Act shall apply to the London county council when acting as successors of the Metropolitan Board of Works, and the costs incurred when so acting shall be paid out of the county fund, and the payment thereof shall be a general county purpose.

41.—(1.) Of the powers, duties, and liabilities of the court of quarter sessions and justices of the city of London—

Position of City of London, and application of Highway Acts.

- (a) Such of them as would, if the city were a quarter sessions borough, with a population exceeding ten thousand (*f*), be exercised by virtue of this or any other Act by the council of the borough, shall be transferred to the mayor, commonalty, and citizens of the city acting by the council (in this Act referred to as the common council); and
- (b) Such of them as would, in the said case, be by virtue of this Act exercised and discharged by the county council shall cease, and the county council shall, subject to the provisions of this Act, have those powers, duties, and liabilities within the city of London in like manner as within the rest of the administrative county of London.

(*f*) Compare s. 35, *ante*.

(2.) The provisions of this Act with respect to the transfer to a county council shall apply with the necessary modifications to such transfer to the common council, and the common council shall be entitled to receive from the London county council in respect of each pauper lunatic the same amount as is required by this Act to be paid by any other county council to the council of a borough (*g*).

(3.) Where at the passing of this Act the Metropolitan Board of Works or the quarter sessions of Middlesex are authorized to incur costs for any purpose, and the common council of the city are not liable to contribute to such costs, the

s. 41.

parishes in the city of London shall not, save as in this Act expressly mentioned, be liable to be assessed to county contributions in respect of costs incurred by the county council for such purpose, but this exemption shall not extend to any costs incurred for the purpose of any powers, duties, or liabilities of the quarter sessions or justices of the city of London, which will be exercised and discharged by the London county council.

(g) See s. 38 (6), *ante*.

41 & 42 Vict.
c. 77.

(4.) The provisions of the Highways and Locomotives (Amendment) Act, 1878, with respect to main roads, as amended by this Act (*h*), shall extend to the Metropolis in like manner as if the expression "urban sanitary district" in that Act included, as respects the Metropolis, the city of London, and a parish in Schedule A., and a district in Schedule B. of the Metropolis Management Act, 1855 (*i*), as amended by subsequent Acts, and as if the Commissioners of Sewers, or vestry, or district board (as the case may be) were the urban sanitary authority: Provided that—

18 & 19 Vict.
c. 120.

- (a) in the city of London the common council shall have the power under the Highways and Locomotives (Amendment) Act, 1878, of making byelaws respecting locomotives (*k*), and authorizing locomotives to be used on any road within the city, save that if any difference is made by such byelaws or authority between any main road maintained by the county council and the other roads in the city, such authority and byelaws shall require the approval of the county council; and
- (b) the common council in the city of London, and in any other part of the Metropolis, the vestry, or district board, shall be deemed to be a district council (*l*) and an urban authority within the meaning of the provisions of this Act with respect to main roads, and may accordingly claim to retain the power of maintaining and repairing a main road, and in such case shall have all such powers and duties of maintaining, repairing, improving and enlarging, and otherwise dealing with the main road as they would have

if it were an ordinary highway repairable by them, and such powers and duties shall in the city of London be discharged by the Commissioners of Sewers.

(h) Compare sect. 11, *ante*.

(i) See note to "Metropolis" in sect. 100.

(k) Sect. 31 of the Highways and Locomotives (Amendment) Act, 1878, is as follows (Local and Municipal Government, p. 890):—

"Sect. 8 of the Locomotive Act, 1865, is hereby repealed, so far as relates to England; and in lieu thereof, be it enacted that the mayor, aldermen and commons in the city of London, and the Metropolitan Board of Works in the Metropolis, exclusive of the city of London, and the council of any borough which has a separate court of quarter sessions, and the county authority of any county, may make bye-laws as to the hours during which locomotives are not to pass over the turnpike roads or highways situate within the areas respectively above mentioned, the hours being in all cases consecutive hours, and no more than eight out of the twenty-four, and for regulating the use of locomotives upon any highway, or preventing such use upon every bridge (see *Dawson v. Cruik*, 48 J. P. 148) where such authority is satisfied that such use would be attended with danger to the public; and any person in charge of a locomotive acting contrary to such bye-laws shall be liable to a fine not exceeding five pounds."

(l) As to meaning of "district council," see sect. 100, *post*.

(5.) The payment of the costs of assizes and sessions shall be a general county purpose for which the parishes in the city may be assessed to county contributions, and all such costs of prosecutions in the city as are by law payable out of the county rate shall be paid out of the county fund.

(6.) The county councillors elected for the city, shall not act or vote in respect of any question arising before the county council as regards matters involving expenditure on account of which the parishes in the city are not for the time being liable to be assessed equally with the rest of the administrative county to county contributions.

(7.) The London county council, and the common council of the city of London may agree for the cessation in whole or in part of any exemption under this section from assessment, in consideration either of payment by the county council of a capital sum, or of an annual payment, or of a transfer of property or liabilities, or of the county council undertaking, in substitution for the common council, any

powers or duties, or partly for one consideration and partly for another, or in any other manner, according as may be determined.

(8.) The sheriffs of the city of London shall not have any authority except in the city.

Arrange-
ments for
paid chairman
and sitting of
quarter ses-
sions for
London.

42.—(1.) If the London county council petitions Her Majesty the Queen in that behalf, it shall be lawful for Her Majesty from time to time to appoint a barrister of not less than ten years' standing to be paid chairman or deputy chairman, or one of the paid deputy chairmen, as the case may be, of the quarter sessions for the county of London.

(2.) Any person so appointed shall hold office during good behaviour, and shall by virtue of his office be a justice of the peace for the county of London.

(3.) There shall be paid to him out of the county fund as a general county purpose such yearly salary, not exceeding that stated in the petition in consequence of which the appointment was made, as Her Majesty directs.

(4.) Such chairman or deputy chairman shall not, during his office, be eligible to serve in Parliament, and shall not during his continuance in office practise as a barrister.

(5.) Where there is any such paid chairman or deputy chairman of the quarter sessions, the court may be held before such chairman or deputy chairman alone.

(6.) Separate courts of quarter sessions may be held at different parts of the county of London at the same time if so directed by the county council with the approval of a Secretary of State, and every court of general sessions of the peace for the county of London and every adjournment thereof shall have the same jurisdiction in all respects, including the power of hearing and determining appeals, as if such court were quarter sessions.

(7.) The London county council may from time to time submit to a Secretary of State a scheme for regulating the holding of courts of quarter sessions in London either at any one place or at different places, and in the latter case either at the same time or at different times, and for determining the legal character of each sessions so held, that is to say, whether quarter, general, original, or adjourned sessions, or

otherwise, and for making such regulations respecting committals for trial, recognizances, depositions, and other matters as are necessary or proper for giving effect to the scheme, and such scheme, when approved by a Secretary of State, shall be published in the London Gazette, and thereupon shall have effect as if it were enacted in this Act.

(8.) Until the quarter sessions for the county of London constitute special sessional divisions, every petty sessional division of the counties of Middlesex, Surrey, and Kent existing at the appointed day, or so much of such division as is situate in the county of London, shall form a special or petty sessional division of the county of London.

(9.) Where any special or petty sessional division of the counties of Middlesex, Surrey, and Kent, existing at the appointed day, is situate partly within and partly without the county of London, so much thereof as is situate without the said county shall, until any alteration is made by the quarter sessions for the county of Middlesex, Surrey, or Kent, as the case may be, be a special or petty sessional division of that county.

(10.) The quarter sessions for the county of London shall be substituted for the general assessment sessions under the Valuation (Metropolis) Act, 1869, and have all the jurisdiction vested in those sessions, and shall exercise the same within the same area. Upon the hearing of any appeals in relation to property in the city of London, such two members of the court of quarter sessions of the city of London as may be appointed by that court for the purpose, shall be entitled to attend and sit as members of the quarter sessions for the county of London.

32 & 33 Vict.
c. 67.

(11.) The enactments respecting the times for holding sessions of the peace for the county of Middlesex, and the appointment and payment of any assistant judge or deputy assistant judge, or of a person to preside in a second court at any sessions in the county of Middlesex, shall cease to apply to the county of Middlesex.

7 & 8 Vict.
c. 71.
22 & 23 Vict.
c. 4.
37 & 38 Vict.
c. 7.

(12.) Quarter sessions for the counties of Middlesex, Surrey, and Kent respectively may be held, and the justices of each of those counties may hold special and petty sessions for any division of such county, and appoint a petty sessional

or occasional court house, at any place in the county of London, and for all purposes relating to such sessions or any business transacted at such court house, such place shall be deemed to be within the county and division for which the justices holding the same are justices, but no jurors shall be summoned for such sessions from within the county of London.

(13.) Nothing in this Act shall alter the powers or duties of the justices, quarter sessions, recorder, or common serjeant of the city of London, further or otherwise than is expressly provided or than the powers and duties of the justices or quarter sessions of any county are altered.

(14.) Provided that from and after the appointed day the rights claimed by the court of common council to appoint to the offices of common serjeant, and judge of the City of London Court shall cease, and in any future vacancy in each of the said offices, it shall be lawful for Her Majesty the Queen to appoint a duly qualified barrister to be such common serjeant, or judge; and from and after the next vacancy no recorder shall exercise any judicial functions unless he is appointed by Her Majesty to exercise such functions.

Grant by
London
county council
to poor law
unions.

43.—(1.) In the administrative county of London the county council:—

- (a) Shall pay to the guardians for every poor law union wholly in the county such sums as the Local Government Board from time to time certify to be due from the said council in substitution for the local grants towards the remuneration of poor law medical officers (*m*), and towards the cost of drugs and medical appliances (*m*); and
- (b) Shall grant to the guardians of every poor law union wholly in their county an amount equal to fourpence a day per head for every indoor pauper maintained in that union, and such grant, during the five local financial years beginning on the appointed day, shall be reckoned according to the average number of indoor paupers so maintained during the five financial years ending on the

twenty-fifth day of March next before the passing of this Act, and shall, after the end of the said five local financial years, unless Parliament otherwise determine, continue to be reckoned in accordance with the same average number; and

- (c) Shall pay to the guardians of every poor law union, a portion of which only is situate in their county, such proportion of the annual sum which is, under the other provisions of this Act, payable by the county council of a county to the guardians of that union, as the rateable value of the portion within the administrative county of London bears to the rest of the union.

(m) See Financial Statement, *post*.

(2.) For the purposes of this section the expression “indoor pauper” includes all paupers maintained in a workhouse, and all paupers maintained in any district school, separate school, separate infirmary, sick asylum, hospital for infectious diseases, or institution for the deaf, dumb, blind, or idiots, or in any certified school under the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her Majesty, chapter forty-three, and includes any children boarded out, whether within or without the limits of the union, and in the metropolitan asylum district includes all inmates of any asylum for imbeciles provided by the managers of that district, but excludes paupers relieved in casual wards, and such number of indoor paupers in a workhouse or in a district or separate school or in a separate infirmary or asylum, as exceeded the number prescribed by the Local Government Board for that workhouse, school, infirmary or asylum, and also excludes paupers maintained for part only of a day: Provided always, that any paupers maintained under any contract or agreement in a workhouse other than that of the union to which they are chargeable, shall be included only in the number of indoor paupers of the union to which they are so chargeable.

(3.) The average number of paupers shall be estimated in such manner as the Local Government Board direct, and

shall be certified by the Board. The Board may, if they think proper, vary their certificate, but unless it is so varied, their certificate shall be conclusive.

Transfer of duties under 32 & 33 Vict. c. 67 of clerk of metropolitan asylum managers.

44. On and after the appointed day all powers and duties of the clerk to the managers of the metropolitan asylums district under the Valuation (Metropolis) Act, 1869, shall be transferred to the clerk of the county council of London, and the said Act shall be construed as if the county council were substituted therein for the managers of the metropolitan asylums district.

Adjustment of law as to slaughter-houses in the Metropolis.

45. On and after the appointed day, the powers, duties, and liabilities of justices out of session in the Metropolis, in relation to the licensing of slaughter-houses for the purpose of the slaughtering of cattle for butchers meat (o), and of cow-houses and places for the keeping of cows, shall be transferred to the county council of London.

(o) See 25 & 26 Vict. c. 102, ss. 93, 94.

Application of Act to Special Counties and to Liberties.

Application of Act to certain special counties.

46. For the purposes of this Act there shall be enacted the provisions following; that is to say,

(1.)—(a) The ridings of Yorkshire and the divisions of Lincolnshire shall respectively be separate administrative counties.

(b) The eastern and western divisions of Sussex, under the County of Sussex Act, 1865, and the eastern and western divisions of Suffolk, shall respectively be separate administrative counties for the purposes of this Act.

(c) The Isle of Ely, and the residue of the county of Cambridge, shall be respectively separate administrative counties for the purposes of this Act, and are in this Act referred to as divisions of the county of Cambridge.

(d) The soke of Peterborough and the residue of the county of Northampton shall be respectively separate administrative counties for the purposes of this Act, and are in this Act referred to as divisions of the county of Northampton.

(2.)—(a) In the case of the county of York and the county of Lincoln respectively, the administrative business which would, if this Act had not passed, have been transacted by the justices of all the ridings and divisions at their gaol sessions, or by any joint committee of the justices of such ridings or divisions, or by any commissioners appointed by the justices, or otherwise jointly by such justices, shall be transacted by a joint committee of the county councils of the three ridings or three divisions, as the case may be, appointed in manner provided by this Act with respect to joint committees of county councils.

(b) The administrative business which would, if this Act had not passed, have been transacted by any general sessions of the peace for the county of Sussex or Suffolk, or by any joint action of the quarter sessions of the divisions of the county of Cambridge, or the county of Northampton, and all matters under this Act which concern the two divisions of Sussex, Suffolk, Cambridge or Northampton jointly, shall be transacted by a joint committee of the respective county councils concerned, appointed in manner provided by this Act with respect to joint committees of county councils (*p*).

(*p*) See sects. 81, 82, *post*.

(c) A joint committee formed in pursuance of this section shall, if the business transacted by them so require, comprise a joint committee of the quarter sessions of the several ridings and divisions.

(d) If any difference arises as to the number of members, or the mode or time of appointing a joint committee under this section, the difference shall be determined by a Secretary of State.

(3.) A joint committee formed in pursuance of this section shall, in respect of the business to be transacted by them, stand in the same position as if the entire county were not divided for the purposes of county councils, and as if the committee were the county

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council of the entire county, and the provisions of this Act shall, so nearly as circumstances admit, apply accordingly; and all costs or sums payable by the joint committee shall be apportioned by the joint committee between the several administrative counties in such manner as is provided by law, or by the practice heretofore adopted, or in such other manner as may be from time to time agreed upon by the councils of the several administrative counties, or, in default of agreement, may, upon the application of any of such councils, be determined by arbitration in manner provided by this Act; and each county council shall pay the sum so apportioned to the treasurer of the joint committee, and the sum so paid shall be deemed to be paid for general county purposes.

- (4.) The powers, duties, and liabilities of the county authority, under the Yorkshire Registries Act, 1884, and the Acts amending the same, shall, after the appointed day, be transferred to the county council, and the expression "county authority," in those Acts shall mean, as respects each riding, the county council of that riding.
- (5.) In the application of this Act to Lancashire, the provisions of this Act with respect to county rates shall apply to the special rates levied in Lancashire for the purposes of the salary or pension of any chairman of quarter sessions or stipendiary justice, or for any assize courts, and such rates shall continue to be levied within the respective areas within which they would have been levied if this Act had not passed, and, subject as aforesaid, the position and salary of any such chairman or justice shall not be affected by any provision of this Act.
- (6.) From and after the appointed day the right of the mayor, commonalty, and citizens of the city of London to elect the sheriff of Middlesex shall cease, and it shall be lawful for Her Majesty the Queen to appoint a sheriff of the county of Middlesex, and the law relating to sheriffs shall apply in

the case of the county of Middlesex in like manner as in the case of any other county.

- (7.) In this section “administrative business” means such business as is by this Act transferred from quarter sessions or justices, or any committee thereof, to county councils.

47.—(1.) Notwithstanding anything in this Act, the courts of assize at Manchester, with the lodgings for Her Majesty’s judges, offices, lockups, and all other property vested in the justices of the peace of the county palatine of Lancaster by the Manchester Assize Courts Act, 1858, shall be vested in the county council of the said county palatine, and shall be under the control and management of a joint committee of members of the said county council, and of the council of every county borough locally situate in the hundred of Salford; and that joint committee shall have and exercise all such powers and rights (except the power of levying, imposing, or assessing a rate or of borrowing money) as are conferred on the said justices by the said Act; and the hundred of Salford (including every borough locally situate therein) shall continue liable to contribute towards expenses incurred under the authority of the said Act.

Saving for Manchester Assize Courts Act, 1858, 21 & 22 Vict. c. xxiv.

(2.) The number of members of a joint committee appointed for the purposes of this section shall not exceed twelve, and the quorum requisite for the transaction of business shall be three.

(3.) Any disagreement as to the number of members of the committee, or as to the proportions in which the several councils are to be represented thereon, shall be settled by a Secretary of State.

48.—(1.) For all purposes of this Act, every liberty and franchise of a county, wholly or partly exempt from contribution to the county rate, shall, save as may be otherwise provided by or in pursuance of this Act, form part of the county of which it forms part for the purposes of parliamentary elections.

Merger of liberties in county.

(2.) The provisions of this Act with respect to the transfer to the county council of the powers, duties and liabilities of

the quarter sessions and justices of a county, and of their property, debts and liabilities, whether vested in or attaching to the clerk of the peace or any justice or justices or otherwise on behalf of the county, shall apply to every such liberty and franchise as above mentioned in like manner in all respects as if they were herein re-enacted and in terms made applicable to such liberty and franchise; and the county council shall have and exercise in every such liberty and franchise the powers and duties transferred to them by this Act from the quarter sessions and justices of the county;

(3.) Provided that where at the passing of this Act the police force in such liberty or franchise is under the control of the quarter sessions for such liberty or franchise, there shall be one police force for the whole administrative county under the county council, and the quarter sessions of such liberty or franchise shall appoint such number of the members of the standing joint committee under this Act as may be agreed upon by the county council, the quarter sessions of the county, and the quarter sessions of the liberty or franchise, or in default of agreement may be determined by a Secretary of State.

(4.) The Cinque Ports and two ancient towns and their members shall for all purposes of the county council and of the powers and duties of quarter sessions and justices out of sessions under this Act form part of the county in which they are respectively situate, without prejudice, nevertheless, to the position of any such port, town, or member as a quarter sessions borough under the Municipal Corporations Act, 1882, as amended by this Act, and without prejudice to the existing privileges of such ports, towns, and members as respects matters which are not affected by this Act.

45 & 46 Vict.
c. 50.

Power to
make provi-
sional order
for Scilly
Islands.

49.—(1.) It shall be lawful for the Local Government Board to make a provisional order for regulating the application of this Act to the Scilly Islands, and for providing for the exercise and performance in those islands of the powers and duties both of county councils and also of authorities under the Acts relating to highways and the Public Health Act, 1875, and the Acts amending the same, and for the application to the islands of any provisions of any Act

touching local government, and any such order may provide for the establishment of councils and other local authorities separate from those in the county of Cornwall, and for the contribution by the Scilly Islands to the county council of Cornwall in respect of costs incurred by the county council for matters specified in the said order as benefiting the Scilly Islands, and such order may also provide for all matters which appear to the Local Government Board necessary or proper for carrying the order into full effect.

(2.) Any such order shall not be in force until it is confirmed by Parliament.

(3.) Subject to the provisions of a provisional order under this Act the county council of Cornwall shall have no greater powers or duties in the Scilly Islands than the quarter sessions of Cornwall have hitherto in fact exercised or performed therein, and the Scilly Islands shall not be included for the purposes of this Act in any electoral division of the county of Cornwall.

PART III.

Boundaries.

50.—(1.) The first council elected under this Act for any administrative county shall, subject as hereinafter mentioned, be elected for the county at large as bounded at the passing of this Act for the purpose of the election of members to serve in Parliament for the county: Provided always, that—

Boundary of county for first election.

- (a) This enactment shall not apply to the boundary between two administrative counties which are portions of one entire county, and in case of those administrative counties, the boundary between the portions, as existing for the purposes of county rate, shall, subject to any change made by or in pursuance of this Act, be the boundary of the administrative county for which the council is elected; and,

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- (b) Where any urban sanitary district is situate partly within and partly without the boundary of such county, the district shall be deemed to be within that county which contains the largest portion of the population of the district, according to the census of one thousand eight hundred and eighty-one.
- (c) Where any portion of an administrative county has before the passing of this Act been transferred to another administrative county for the purposes of the Acts relating to the police or Contagious Diseases (Animals) or otherwise, nothing in this Act shall affect such transfer.
- (d) The wapentake of the ainsty of York (except so much as is included in the municipal borough of York as extended by the York Extension and Improvement Act, 1884) shall for all purposes of this Act be deemed to be part of the west riding of the county of York.

47 & 48 Vict.
c. cccxxxii.

(2.) The county council elected under this Act shall have for the purposes of this Act authority throughout the administrative county for which it is elected, and the administrative county as bounded for the purpose of the election shall, subject to alterations made in manner hereinafter mentioned, be for all the purposes of this Act the county of such county council.

(3.) If any difference arises as to the county which contains the largest portion of the population of any such district as above in this section mentioned, such difference shall be referred to the Local Government Board, whose decision shall be final.

(4.) This section applies to an administrative county within the meaning of this Act, save that it shall not apply to the administrative county of London, nor to any county borough, and any place which, though forming part of any such borough for the purposes of the election of members to serve in parliament, is not within the municipal boundary of such borough shall, notwithstanding anything in the foregoing provisions of this section, form, for the purposes of this section, part of the county in which such place is situate.

51. In the constitution of electoral divisions of a county, whether for the first election or for subsequent elections, the following directions shall be observed (*r*)—

- (1.) The division shall be arranged with a view to the population of each division being, so nearly as conveniently may be, equal, regard being had to a proper representation both of the rural and of the urban population, and to the distribution and pursuits of such population, and to area, and to the last published census for the time being, and to evidence of any considerable change of population since such census;
- (2.) Electoral divisions shall, so far as may be reasonably practicable, be framed so that every division shall be a county district or ward, or a combination of county districts or wards, or be comprised in one county district or ward, but where an electoral division is a portion of a county district or ward, and such portion has not a defined area for which a separate list or part of a list of voters is made under the Acts relating to the registration of electors, such portion shall, until a new register of electors is made, continue to be part of the district or ward of which it has been treated as being part in the then current register of electors;
- (3.) Whenever under the provisions of this section a county district is divided into two or more portions, every such portion shall, as far as possible, consist of an entire parish or of a combination of entire parishes;
- (4.) In determining the electoral divisions for the first election, the foregoing provisions shall apply as if, where a rural sanitary district is situate in more than one county, each portion of the district which is situate in the same county were a county district, and any such portion may be combined with a county district, or portion of a county district, although not adjoining;
- (5.) The electoral divisions for the first election shall be fixed on or before the eighth day of November next after the passing of this Act.

(*r*) See p. 345, *post*.

ss. 52, 53.

Provisional order as respects boroughs and urban sanitary districts in same area.

52.—(1.) The Local Government Board shall make provisional orders for dealing with every case where the council of a borough is not the urban sanitary authority for the whole of the area of such borough, and the area of the borough is either co-extensive with or is wholly or partly comprised in any urban sanitary district, and such order shall determine whether the area of the borough or of the sanitary district, or an area comprising both the borough and the urban sanitary district, or a portion of such united area, shall, whether with or without any adjoining area, be the area of the county district for the purposes of this Act, so, however, that in either case the order shall provide for the council of the borough becoming the district council, and the order may for that purpose alter the boundaries of the borough, and may, if need be, alter the boundaries of the county; and if the population exceeds fifty thousand, the order may constitute the borough into a county borough, and make such provision as may be necessary for carrying this Act into effect as respect such county borough; and the provisions of this Act respecting county boroughs shall, subject to the provisions of the order, apply.

(2.) Where certain members of the sanitary authority for any such urban sanitary district are appointed by a university or any colleges therein, the order may provide for the appointment by such university or colleges of members on the district council.

(3.) A provisional order under this section shall not be of any effect until it is confirmed by Parliament.

Consideration of alterations of boundaries by county councils.

53.—(1.) Every report made by the Boundary Commissioners under the Local Government (Boundaries) Act, 1887 (*g*), shall be laid before the council of any administrative county or county borough affected by that report.

(*g*) 50 & 51 Vict. c. 61. By this Act a commission was appointed to inquire with respect to each county in England and Wales:

(a) As to the best mode of so adjusting the boundaries of the county and of other areas of local government so as to arrange that no union, borough, sanitary district, or parish, shall be situate in more than one county; and

(b) As to the best mode of dealing with parts of the county which are wholly or nearly detached from the county; and

- (c) As to the best mode of dealing with the cases where a borough is not an urban sanitary district and is wholly or partly comprised in an urban sanitary district; and
- (d) As to any alteration of boundaries, combination of areas, or administrative arrangements incidental to or consequential on any alteration which they may recommend in the boundaries of any county, union, borough, sanitary district, or parish.

(2.) It shall be the duty of the council to take into consideration such report, and to make such representations to the Local Government Board as they think expedient for adjusting the boundaries of their county, and of other areas of local government partly situate in their county, with a view of securing that no such area shall be situate in more than one county.

54.—(1.) Whenever it is represented by the council of any county or borough to the Local Government Board—

Future alterations of boundaries.

- (a) That the alteration of the boundary of any county or borough is desirable; or
- (b) That the union, for all or any of the purposes of this Act, of a county borough with a county is desirable; or
- (c) That the union, for all or any of the purposes of this Act, of any counties or boroughs or the division of any county is desirable; or
- (d) That it is desirable to constitute any borough having a population of not less than fifty thousand into a county borough; or
- (e) That the alteration of the boundary of any electoral division of a county, or of the number of county councillors and electoral divisions in a county, is desirable; or
- (f) That the alteration of any area of local government partly situate in their county or borough is desirable;

the Local Government Board shall, unless for special reasons they think that the representation ought not to be entertained, cause to be made a local inquiry (*r*), and may make an order for the proposal contained in such representation, or for such other proposal as they may deem expedient, or may

refuse such order, and if they make the order may by such order divide or alter any electoral division.

(*r*) As to powers of the Local Government Board to direct local inquiries to be made, see sects. 293—296, Public Health Act, 1875. (Local and Municipal Government, p. 204.)

(2.) Provided that in default of such representation by the council of any county or borough before the first day of November one thousand eight hundred and eighty-nine, the Local Government Board may cause such local inquiry to be made, and thereupon may make such order as they may deem expedient.

(3.) Provided that if the order alters the boundary of a county or borough, or provides for the union of a county borough with a county, or for the union of any counties or boroughs, or for the division of any county, or for constituting a borough into a county borough, it shall be provisional only, and shall not have effect unless confirmed by Parliament.

(4.) Where such order alters the boundary of a borough, it may, as consequential upon such alteration, do all or any of the following things, increase or decrease the number of the wards in the borough, and alter the boundaries of such wards, and alter the apportionment of the number of councillors among the wards, and alter the total number of councillors, and in such case, make the proportionate alteration in the number of aldermen.

(5.) At any time before the appointed day, the Local Government Board may make an order in pursuance of this section without any such representation as in this section mentioned.

Contents of
provisional
order amal-
gamating
two county
boroughs.

55.—(1.) Where the Local Government Board make a provisional order for uniting two county boroughs, such order may make them one borough and one county for the purposes of this Act.

(2.) Such order, and also any other order under this Act for uniting boroughs, whether county boroughs or not, may also contain such provisions as may seem necessary or proper for regulating the division of the combined borough into wards, the number of councillors to be elected for each ward, and the first election of the council of the combined borough,

and for providing for the clerks of the peace, coroners, town clerks, and officers of the boroughs, and the application to them of the provisions of this Act as to existing officers, and for providing for all matters incidental to or consequential on the union of the boroughs.

(3.) When any such provisional order is confirmed, it shall be lawful for her Majesty to grant a commission of the peace and court of quarter sessions to the combined borough in like manner as to any other borough under the Municipal Corporations Act, 1882, and the provisional order may contain such provisions as appear necessary or proper for regulating all matters incidental to such grant, and to the changes caused by the union of the boroughs in matters connected with such commission or court, or otherwise with the administration of justice.

56. Where a petition is presented to her Majesty the Queen by the inhabitant householders of any town or towns or district, in pursuance of the Municipal Corporations Act, 1882, for the grant of a charter of incorporation, notice of such petition shall be given to the county council of the county in which such town, towns, or district is or are situate, and shall also be sent to the Local Government Board, and the Privy Council shall consider any representations made by such county council or the Local Government Board, together with the petition for such charter (*s*).

Procedure for charter of new borough.

(*s*) The previous enactment was Part XI. of The Municipal Corporations Act, 1882 (Local and Municipal Government, p. 335), which enabled the inhabitant householders of any town, or towns, or district in England to directly petition the Queen in Council for a charter of incorporation, and authorized the Queen in Council to grant such charter without the intervention of the Local Government Board.

57.—(1.) Whenever a county council is satisfied that a *primâ facie* case is made out as respects any county district not a borough, or as respects any parish, for a proposal for all or any of the following things; that is to say (*t*)—

Future alteration of county districts and parishes and wards and future establishment of urban districts.

(a) The alteration or definition of the boundary thereof;

(b) The division thereof or the union thereof with any other such district or districts, parish or parishes, or the transfer of part of a parish to another parish;

- (c) The conversion of any such district or part thereof, if it is a rural district, into an urban district, and if it is an urban district, into a rural district, or the transfer of the whole or any part of any such district from one district to another, and the formation of new urban or rural districts ;
- (d) The division of an urban district into wards ; and
- (e) The alteration of the number of wards, or of the boundaries of any ward, or of the number of members of any district council, or of the apportionment of such members among the wards,

the county council may cause such inquiry to be made in the locality, and such notice to be given, both in the locality, and to the Local Government Board, education department, or other Government department as may be prescribed, and such other inquiry and notices (if any) as they think fit, and if satisfied that such proposal is desirable, may make an order for the same accordingly.

(*t*) This transfers to the county council the powers of the Local Government Board, subject to the notices and condition mentioned in the section, with regard to making orders for the alteration and adjustment of boundaries contained in Part VIII., Public Health Act, 1875. (Local and Municipal Government, p. 195.)

(2.) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner, and otherwise as the county council think fit, and if it relates to the division of a district into wards, or the alteration of the number of wards or of the boundaries of a ward, or of the number of the members of a district council, or of the apportionment of the members among the wards, shall come into operation upon being finally approved by the county council.

(3.) In any other case the order shall be submitted to the Local Government Board ; and if within three months after such notice of the provisions of the order as the Local Government Board determine to be the first notice, the council of any district affected by the order, or any number of county electors registered in that district or in any ward of that district, not being less than one-sixth of the total number of electors in that district or ward, or if the order relates only

to a parish, any number of county electors registered in that parish, not being less than one-sixth of the total number of electors in that parish, petition the Local Government Board to disallow the order, the Local Government Board shall cause to be made a local inquiry, and determine whether the order is to be confirmed or not.

(4.) If any such petition is not presented, or being presented is withdrawn, the Local Government Board shall confirm the order.

(5.) The Local Government Board, on confirming an order, may make such modifications therein as they consider necessary for carrying into effect the objects of the order.

(6.) An order under this section, when confirmed by the Local Government Board, shall be forthwith laid upon the table of both Houses of Parliament, if Parliament be then sitting, and, if not, forthwith after the then next meeting of Parliament.

(7.) This section shall be in addition to, and not in derogation of, any power of the Local Government Board in respect of the union or division or alteration of parishes.

58. The Local Government Board, where it appears expedient so to do with reference to any poor law union which is situate in more than one county instead of dissolving the union, may by order provide that the same shall continue to be one union for the purposes of indoor paupers or any of those purposes, and shall be divided into two or more poor law unions for the purpose of outdoor relief, and may by the order make such provisions as seem expedient for determining all other matters in relation to which such union is to be one union or two or more unions (*u*).

Additional power of Local Government Board as to unions.

(*u*) See sect. 11, Divided Parishes and Poor Law Amendment Act, 1876. (Local and Municipal Government, p. 1368.)

59.—(1.) A scheme or order under this Act may make such administrative and judicial arrangements incidental to or consequential on any alteration of boundaries, authorities, or other matters made by the scheme or order as may seem expedient.

Supplemental provisions as to alteration of areas.

(2.) A place which is part of an administrative county for

the purposes of this Act shall, subject as in this Act mentioned, form part of that county for all purposes, whether sheriff, lieutenant, custos rotulorum, justices, militia, coroner, or other; Provided that—

- (a) Notwithstanding this enactment, each of the entire counties of York, Lincoln, Sussex, Suffolk, Northampton, and Cambridge shall continue to be one county for the said purposes so far as it is one county at the passing of this Act; and
- (b) This enactment shall not affect the existing powers or privileges of any city or borough as respects the sheriff, lieutenant, militia, justices, or coroner; but, if any county borough is, at the passing of this Act, a part of any county for any of the above purposes, nothing in this Act shall prevent the same from continuing to be part of that county for that purpose; and
- (c) This enactment shall not affect parliamentary elections nor the right to vote at the election of a member to serve in Parliament, nor land tax, tithes, or tithe rentcharge, nor the area within which any bishop, parson, or other ecclesiastical person has any cure of souls or jurisdiction.

(3.) For the purposes of parliamentary elections, and of the registration of voters for such elections, the sheriff, clerk of the peace, and council of the county in which any place is comprised at the passing of this Act for the purpose of parliamentary elections shall, save as otherwise provided by the scheme or order, or by the County Electors Act, 1888, or this Act, continue to have the same powers, duties, and liabilities as they would have had if no alteration of boundary had taken place.

(4.) Any scheme or order made in pursuance of this Act may, so far as may seem necessary or proper for the purposes of the scheme or order, provide for all or any of the following matters, that is to say,—

- (a) may provide for the abolition, restriction, or establishment, or extension of the jurisdiction of any local authority in or over any part of the area affected by the scheme or order, and for the adjustment or

alteration of the boundaries of such area, and for the constitution of the local authorities therein, and may deal with the powers and duties of any council, local authorities, quarter sessions, justices of the peace, coroners, sheriff, lieutenant, custos rotulorum, clerk of the peace, and other officer therein, and with the costs of any such authorities, sessions, persons, or officers as aforesaid, and may determine the status of any such area as a component part of any larger area, and provide for the election of representatives in such area, and may extend to any altered area the provisions of any local Act which were previously in force in a portion of the area; and

- (b) may make temporary provision for meeting the debts and liabilities of the various authorities affected by the scheme or order, for the management of their property, and for regulating the duties, position, and remuneration of officers affected by the scheme or order, and applying to them the provisions of this Act as to existing officers; and
- (c) may provide for the transfer of any writs, process, records, and documents relating to or to be executed in any part of the area affected by the scheme or order, and for determining questions arising from such transfer; and
- (d) may provide for all matters which appear necessary or proper for bringing into operation and giving full effect to the scheme or order; and
- (e) may adjust any property, debts, and liabilities affected by the scheme or order.

(5.) Where an alteration of boundaries of a county is made by this Act an order for any of the above-mentioned matters may, if it appears to the Local Government Board desirable, be made by that board, but such order, if petitioned against by any council, sessions, or local authority affected thereby, within three months after notice of such order is given in accordance with this Act, shall be provisional only, unless the petition is withdrawn or the order is confirmed by Parliament.

(6.) A scheme or order may be made for amending any scheme or order previously made in pursuance of this Act, and may be made by the same authority and after the same procedure as the original scheme or order. Where a provision of this Act respecting a scheme or order requires the scheme or order to be laid before Parliament, or to be confirmed by Parliament, either in every case or if it is petitioned against, such scheme or order may amend any local and personal Act.

General provision as to alteration of boundaries.

60. In every alteration of boundaries effected under the authority of this Act, care shall be taken that, so far as practicable, the boundaries of an area of local government shall not intersect the boundaries of any other area of local government.

Appointment of commissioners.

61.—(1.) For the purposes of this Act the Right Honourable Edward Henry, Earl of Derby, the Right Honourable George John Shaw Lefevre, John Lloyd Wharton, Esquire, Francis Mowatt, Esquire, C.B., and Joseph J. Henley, Esquire, shall be appointed commissioners.

(2.) If a vacancy occurs in the office of any of the commissioners by reason of death, resignation, incapacity, or otherwise, it shall be lawful for her Majesty the Queen, under her Royal Sign Manual, to appoint some other person to fill the vacancy, and so from time to time as often as occasion requires.

(3.) The commissioners may from time to time, with the assent of the Treasury as to number, appoint or employ such number of officers and persons as they may think necessary for the purpose of the execution of their duties under this Act, and may remove any officer or person so appointed or employed.

(4.) There shall be paid to any officer or person appointed or employed under this section, such salaries or other remuneration as the Treasury may assign, and that remuneration and all expenses of the commissioners, incurred with the sanction of the Treasury in the execution of this Act, shall be paid out of moneys provided by Parliament.

(5.) On holding any inquiry for the purposes of this Act,

any commissioner or officer of the commissioners shall have the same powers as an inspector of the Local Government Board has on holding a local inquiry under the Public Health Act, 1875 (*v*).

38 & 39 Vict.
c. 55.

(*v*) Sect. 296 of the Public Health Act, 1875 (see Local and Municipal Government, p. 205), defines the powers of Inspectors of the Local Government Board in relation to local inquiries as follows:—

“Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts.”

By the Poor Law Board Act, 1847, 10 & 11 Vict. c. 109, s. 21, it is enacted as follows:—

“The said inspectors may summon before them such persons as they may think necessary for the purpose of being examined before them upon any matter concerning the administration of the laws for the relief of the poor, or any other matter placed by law under the control or regulation of the commissioners, or for the purpose of producing and verifying on oath any books, contracts, agreements, accounts, writings, or copies of the same in anywise relating to such matter, and not relating to or involving any question of title to any lands, tenements, or hereditaments not being the property of any parish or union, and may examine any person whom they shall so summon, or who shall voluntarily come before them to be examined, upon any such matter upon oath, which each of the said inspectors shall be empowered to administer, or instead of administering an oath, the inspector may require the party examined to make and subscribe a declaration of the truth of the matter respecting which he shall have been or shall be so examined, and all summonses made by any such inspector, for any such purpose as aforesaid, shall be obeyed by all persons as if such summons had been the summons and order of the commissioners, and the non-observance thereof shall be punishable in like manner, and the costs and expenses of such person so summoned shall be paid in such cases and in such manner as the costs and expenses of persons summoned under the authority of the first recited Act are now payable: Provided always, that no person shall be required in obedience to any such summons to go or travel more than ten miles from his place of abode.”

(6.) There shall be paid to the commissioners by the councils of the counties and county boroughs whose financial relations are adjusted by the commissioners in pursuance of this Act, such amounts as the Treasury may fix as necessary

for the payment of the costs of such adjustment, including a proper share of the salaries and remuneration of the officers and persons appointed or employed by such commissioners, and such amounts shall be paid into the Exchequer, and the amount so paid shall be included as part of the adjustment.

(7.) The authority of the commissioners shall extend to the settlement and the determination by them, on such terms and in such manner as they, in their absolute discretion, think most just and fit, of the matters referred to them, and also of all such matters and questions as are, in their judgment, incident thereto or consequent thereon, to the end that their award or awards may effect a final settlement, and until a final settlement is made the authority of the commissioners shall extend to determine the proportions in which payments are to be made to the councils of counties and county boroughs out of the local taxation account, and all payments so made shall be taken into account in the making of the adjustment.

(8.) Every award, order, and other instrument made by or proceeding from the commissioners, shall be binding and conclusive to and for all intents and purposes, and shall have the like effect as if it had been made by a judge of the High Court of Justice in England, and shall be acted on, obeyed, executed, and enforced by all sheriffs and other officers and persons accordingly. No such award, order, or other instrument shall be removable by any writ or process into any of her Majesty's Courts, and the commissioners proceedings or acts shall not be liable to be interfered with or questioned by or in any Court, or elsewhere, by way of mandamus, prohibition, injunction, or otherwise.

(9.) The costs of and attending the inquiry and award shall be borne and paid by the parties out of the fund or rate applicable to their general expenses, in such proportions as the commissioners may direct, and the commissioners may order the taxation of any costs in such manner as they may see fit.

(10.) The powers of the commissioners shall, unless continued by Parliament, cease on the last day of December one thousand eight hundred and ninety.

62.—(1.) Any councils and other authorities affected by this Act or by any scheme, order, or other thing made or done in pursuance of this Act, may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, so far as affected by this Act or such scheme, order, or thing, of the parties to the agreement, and the agreement and any other agreement authorized by this Act to be made for the purpose of the adjustment of any property, debts, liabilities, or financial relations, may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any duties, and for payment by either party to the agreement in respect of property, debts, duties, and liabilities so transferred or retained, or of such joint user, and in respect of the salary, remuneration, or compensation payable to any officer or person, and that either by way of a capital sum, or of a terminable annuity for a period not exceeding that allowed by the commissioners under this Act or the Local Government Board.

(2.) In default of an agreement as to any matter requiring adjustment for the purpose of this Act, or any matter which, in case of difference, is to be referred to arbitration, then, if no other mode of making such adjustment or determining such difference is provided by this Act, such adjustment or difference may be made or determined by an arbitrator appointed by the parties, or in case of difference as to the appointment, appointed by the Local Government Board.

(3.) An arbitrator appointed under this Act shall be deemed to be an arbitrator within the meaning of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the arbitrator may state a special case, and notwithstanding anything in the said Acts, shall determine the amount of the costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily.

(4.) Any award or order made by the Commissioners or any arbitrator under this Act may provide for any matter for which an agreement might have provided.

(5.) Any sum required to be paid for the purpose of adjustment, or of any award or order made by the Commissioners, or an arbitrator under this Act, may be paid out of the county or borough fund or out of such other special fund as the council, with the approval of the Commissioners under this Act or of the Local Government Board, may direct.

(6.) The payment of any capital sum required to be paid for the purposes of the adjustment or of an agreement under this Act, or of any award or order made upon any arbitration under this Act, shall be a purpose for which a council may borrow under this Act, or in the case of a borough council, under the Municipal Corporations Act, 1882, or any local Act, and such sum may be borrowed on the security of all or any of the funds, rates, and revenues of the council, and either by the creation of stock or in any other manner in which they are for the time being authorised to borrow, and such sum may be borrowed without the consent of the Treasury or any other authority, so that it be repaid within such period as the Local Government Board may sanction, by such method as is mentioned in Part Four of this Act for paying off a loan, or, if the sum is raised by stock under a local Act, by such method as is directed by that Act.

(7.) Any capital sum paid to any council for the purpose of any adjustment, or in pursuance of any order or award of an arbitrator under this Act shall be treated as capital, and applied, with the sanction of the Local Government Board, either in the repayment of debt or for any other purpose for which capital money may be applied.

Arbitration
by Local
Government
Board.
31 & 32 Vict.
c. 119.

63. Where the Local Government Board are required in pursuance of this Act to decide any difference or other matter referred to arbitration in pursuance of this Act, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions (*x*), shall apply as if they were herein re-enacted, and in terms made applicable to the Local Govern-

ment Board and the decision of differences and matters under this Act.

(a) See Local and Municipal Government, pp. 505, 506.

PART IV.

FINANCE.

Property Funds and Costs of County Council.

64.—(1.) On and after the appointed day all property of the quarter sessions of a county, or held by the clerk of the peace, or any justice or justices of a county, or treasurer, or commissioners, or otherwise for any public uses and purposes of a county, or any division thereof, shall pass to and vest in and be held in trust for the council of the county, subject to all debts and liabilities affecting it, and shall be held by the county council for the same estate, interest, and purposes, and subject to the same covenants, conditions, and restrictions, for and subject to which that property is or would have been held if this Act had not passed, so far as those purposes are not modified by this Act. Provided that—

Transfer of county property and liabilities.

- (a) the existing records of or in the custody of the court of quarter sessions shall, subject to any order of that court, remain in the same custody in which they would have been if this Act had not passed; and
- (b) where any property belongs to a charity, nothing in this Act shall affect the trust of such charity, and until otherwise directed by the Charity Commissioners for England and Wales, the trustees or managers of the charity shall be appointed in like manner as if this Act had not passed; and
- (c) the justices of any county may retain any pictures, chattels, or property on the ground that the same have been presented to them or purchased out of their own funds or otherwise belong to them, and are not held for public purposes of the county, and any difference arising between the county council

and the justices with respect to any such retention shall be referred to and determined by the commissioners under this Act.

(2.) On and after the appointed day all debts and liabilities of the quarter sessions, or of the clerk of the peace, or any justice or justices, or treasurer, or commissioners, incurred for county purposes, shall become debts and liabilities of the county council, and shall, subject to the provisions of this Act, be defrayed by them out of the like property and funds out of which they would have been defrayed if this Act had not passed.

(3.) The county council shall have full power to manage, alter, and enlarge, and, with the consent of the Local Government Board, to alienate any land or buildings transferred by this section, or otherwise vested in the council, but shall provide such accommodation and rooms, and such furniture, books, and other things as may from time to time be determined by the standing joint committee of quarter sessions and the county council, to be necessary or proper for the due transaction of the business, and convenient keeping of the records and documents, of the quarter sessions and justices out of sessions, or of any committee of such quarter sessions or justices.

(4.) This section shall apply, with the necessary modifications, to the administrative counties of Sussex and Suffolk.

(5.) This section shall apply in the case of the property, debts, and liabilities of the justices of all the ridings and divisions of the counties of York or Lincoln at their gaol sessions, or of commissioners appointed by the justices, in like manner as if it were herein re-enacted with the substitution of gaol sessions or commissioners for quarter sessions, and of clerk of gaol sessions for clerk of the peace, and as if the joint committee of the councils of the three ridings or divisions were the council of the county; and the said joint committee shall, for the purposes of the said property, debts and liabilities, and for the transaction of the administrative business and execution of their duties under this Act, be a body corporate, with perpetual succession and a common seal, by the name of the county committee, with the prefix of the name of the county, and with power to acquire and hold

land for the purposes of their constitution without licence in mortmain.

(6.) The county council of the soke of Peterborough shall be liable to repair the county bridges in the soke, and if any costs are incurred by the county council of the county of Northampton for the benefit of the soke, an adjustment thereof shall be made by agreement, or by arbitration in manner provided by this Act.

65.—(1.) A county council may, from time to time, for the purpose of any of their powers and duties, including those which are to be executed through the standing joint committee, acquire, purchase, or take on lease, or exchange any lands or any easements or rights over or in land, whether situate within or without the county, and may acquire, hire, erect, and furnish such halls, buildings, and offices as they may from time to time require, whether within or without their county. Power to acquire lands.

(2.) For the purpose of the purchase, taking on lease, or exchange of such lands, sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight (*y*) of the Public Health Act, 1875, shall apply as if they were herein re-enacted, and in terms made applicable to the county council.

(*y*) For these sections and the notes thereto, see Local and Municipal Government, pp. 142, 143.

See also the circular of the Local Government Board with reference to the purchase and sale of lands and the application of the proceeds of such sale, *ibid.* p. 13.

(3.) Where the county council, with the consent of the Local Government Board, sell any land, the proceeds of such sale shall be applied in such manner as the said Board sanction towards the discharge of any loan of the council, or otherwise for any purpose for which capital may be applied by the council.

66. All costs incurred by the quarter sessions or the justices out of session of a county, and all costs incurred by any justice, police officer, or constable, in defending any legal proceedings taken against him in respect of any order made, Costs of justices to be payable out of county fund.

or act done, in the execution of his duty as such justice, police officer, or constable shall, to such amount as may be sanctioned by the standing joint committee of the county council and quarter sessions, and, so far as they are not otherwise provided for, be paid out of the county fund of the county, and the council of the county shall provide for such payment accordingly.

Adjustment
of law as
respects costs
ordered by
quarter ses-
sions or
justices to be
paid.

67. Any order of a court of quarter sessions, or of any justices or justice out of session, for the payment by the county treasurer of costs in criminal proceedings or of costs under the Act of the forty-eighth year of the reign of King George the Third, chapter seventy-five, shall be obeyed by the county treasurer in like manner as heretofore, and the county council shall cause the treasurer, or some other person on his behalf, to attend at every court of quarter sessions for the purpose of paying such sums as may be ordered by the court to be so paid.

Funds of
county
council.

68.—(1.) All receipts of the county council, whether for general or special county purposes, shall be carried to the county fund, and all payments for general or special county purposes shall be made in the first instance out of that fund.

(2.) In this Act the expression “general county purposes” means all purposes declared by this or any other Act to be general county purposes, and all purposes for contributions to which the county council are for the time being authorised by law to assess the whole area of their administrative county, and the expression “general county account” means the account of the county fund to which the contributions so raised are carried, and any costs incurred for a general county purpose shall be general expenses, and all costs incurred by the county council in the execution of their duties which are not by law made special expenses shall be general expenses.

(3.) In this Act the expression “special county purposes” means any purposes from contribution to which any portion of the county is for the time being exempt, and also includes any purposes where the expenditure involved is by law restricted to a hundred, division, or other limited part of the

county, and the expression “special county account” means any account of the county fund to which contributions for special county purposes are carried, and any costs incurred for a special county purpose shall be special expenses.

(4.) If the moneys standing to the general county account of the county fund are insufficient to meet the expenditure for general county purposes, county contributions may be levied to meet the deficiency on the whole administrative county, and shall be assessed on all the parishes in the county.

(5.) If the moneys standing to any special county account of the county fund are insufficient to meet the expenditure for the special county purposes chargeable to that account, county contributions may be levied to meet the deficiency on any parishes in the county liable to be assessed to county contributions for those purposes.

(6.) Any precept for county contributions may include as separate items a contribution for general county purposes, and a contribution for any special county purpose or purposes, and subject as in this or any other Act mentioned, county contributions, whether for general or special county purposes, which are liable to be assessed on the parishes, shall be assessed on such parishes in proportion to the annual value thereof, as determined by the standard or basis for the county rate, and all enactments applying to such standard or basis or to county rate shall (save as altered by this Act) apply so far as may be, consistently with the tenor thereof, to county contributions, and those enactments shall extend to all parishes within any borough which are liable under this Act to be assessed to county contributions.

(7.) The county council shall keep such accounts as will prevent the whole administrative county from being charged with expenditure properly payable by a portion only of the county, and will prevent any sums raised in a portion only of the county being applied in reduction of expenditure properly payable by the whole or a larger part of the county, and will further secure any such exemption as above in this section mentioned, and will prevent any sums by law specifically applicable to any particular purpose from being applied to any other purpose.

(8.) In determining the amount of expenditure for any particular county purpose, general or special, a proper proportion of the cost of the officers and buildings and establishment of the county council may be added to the expenditure directly expended for that purpose.

(9.) County contributions may be made retrospective in order to raise money for the payment of costs incurred, or having become payable at any time within six months before the demand of the contributions.

Borrowing
by county
council.

69.—(1.) The county council may from time to time, with the consent of the Local Government Board, borrow, on the security of the county fund, and of any revenues of the council, or on either such fund or revenues, or any part of the revenues, such sums as may be required for the following purposes, or any of them, that is to say :

- (a) for consolidating the debts of the county ; and
- (b) for purchasing any land or building any building, which the council are authorised by any Act to purchase or build ; and
- (c) for any permanent work or other thing which the county council are authorised to execute or do, and the cost of which ought in the opinion of the Local Government Board to be spread over a term of years ; and
- (d) for making advances (which they are hereby authorised to make) to any persons or bodies of persons, corporate or unincorporate, in aid of the emigration or colonisation of inhabitants of the county, with a guarantee for repayment of such advances from any local authority in the county, or the Government of any colony ; and
- (e) for any purpose for which quarter sessions or the county council are authorised by any Act to borrow,

but neither the transfer of powers by this Act nor anything else in this Act shall confer on the county council any power to borrow without the consent above mentioned, and that consent shall dispense with the necessity of obtaining any other consent which may be required by the Acts relating to

such borrowing, and the Local Government Board, before giving their consent, shall take into consideration any representation made by any ratepayer or owner of property rated to the county fund.

(2.) Provided that where the total debt of the county council, after deducting the amount of any sinking fund, exceeds, or if the proposed loan is borrowed will exceed, the amount of one tenth of the annual rateable value of the rateable property in the county, ascertained according to the standard or basis for the county rate, the amount shall not be borrowed, except in pursuance of a provisional order made by the Local Government Board and confirmed by Parliament.

(3.) A county council may also from time to time, without any consent of the Local Government Board, during the period which was fixed for the discharge of any loan raised by them under this Act or transferred to them by this Act, borrow on the like security such amount as may be required for the purpose of paying off the whole or any part of such loan, or if any part of such loan has been repaid otherwise than by capital money for re-borrowing the amount so repaid, and for the purpose of this section, "capital money" includes any instalments, annual appropriations, and sinking fund and the proceeds of the sale of land or other property, but does not include money previously borrowed for the purpose of repaying a loan.

(4.) All money re-borrowed shall be repaid within the period fixed for the discharge of the original loan, and every loan for re-borrowing shall for the purpose of the ultimate discharge be deemed to form part of the same loan as the original loan, and the obligations of the council with respect to the discharge of the original loan shall not be in any way affected by means of the re-borrowing.

(5.) A loan under this section shall be repaid within such period, not exceeding thirty years, as the county council, with the consent of the Local Government Board, determine in each case.

(6.) The county council shall pay off every loan either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with the

ss. 69, 70.

38 & 39 Vict.
c. 83.

Local Loans Act, 1875 (z), and the Acts amending the same.

(z) The Local Loans Act, 1875, will be found set out in *Local and Municipal Government*, pp. 1206—1215. See the order of the Local Government Board as to the Act, *ibid.*, p. 1514.

Stock certificates to bearer are charged with a stamp duty of 7s. 6d. for every 100l. or fraction of 100l. 44 Vict. c. 12, s. 46.

(7.) Where a loan is raised for any special county purpose, the council shall take care that the sums payable in respect of the loan are charged to the special account to which the expenditure for that purpose is chargeable.

(8.) Where the county council are authorised to borrow any money on loan they may raise such money either as one loan or several loans, and either by stock issued under this Act, or by debentures or annuity certificates under the Local Loans Act, 1875, and the Acts amending the same (a), or, if special reasons exist for so borrowing, by mortgage, in accordance with sections two hundred and thirty-six and two hundred and thirty-seven of the Public Health Act, 1875 (b).

38 & 39 Vict.
c. 55.

(a) See note to sub-s. (6), *supra*.

(b) See *Local and Municipal Government*, pp. 174, 175, 249.

(9.) Provided that where a county council have borrowed by means of stock they shall not borrow by way of mortgage except for a period not exceeding five years.

(10.) Where the county council borrow by debentures such debentures may be for any amount not less than five pounds.

(11.) The provisions of this section which authorise advances in aid of the emigration or colonisation of inhabitants of the county, and borrowing for those advances, except the provisions respecting the total debt, shall extend to the councils of boroughs mentioned in the Third Schedule to this Act.

(12.) Nothing in this section shall be taken to empower the Cheshire County Council to borrow on the security of any revenue estimated to accrue from the surplus funds of the River Weaver Navigation.

Issue of
county stock.

70.—(1.) County stock may be created, issued, transferred,

dealt with, and redeemed in such manner and in accordance with such regulations as the Local Government Board may from time to time prescribe.

(2.) Without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners and for the application of the Acts relating to stamp duties and to cheques and for the disposal of unclaimed dividends, and may apply for the purposes of this section, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan Board of Works, or by the corporation of any municipal borough.

(3.) Such regulations shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with the same shall be of no effect, without prejudice nevertheless to the making of further regulations.

(4.) If no such resolution is passed it shall be lawful for her Majesty by order in council to confirm such regulations, and the same when so confirmed shall be deemed to have been duly made and to be within the powers of this Act, and shall be of the same force as if they were enacted in this Act.

71.—(1.) The accounts of the receipts and expenditure of county councils shall be made up to the end of each local financial year as defined by this Act (*b*), and be in the form for the time being prescribed by the Local Government Board.

Audit of
accounts of
county
council.

(*b*) See s. 73, *post*, p. 98.

(2.) The provisions of the Municipal Corporations Act, 1882, with respect to the return to the Local Government Board of the accounts of a council of a borough and to the accounts of the treasurer of the borough, and to the inspection and abstract thereof shall apply to the accounts of a county council, and of the treasurer and officers of such council, and the said provisions respecting the return to the Local Government Board shall extend to the return to that

Board of a printed copy of the abstract of the said accounts (c).

(c) See sects. 26, 27, 28 and 233 of the Municipal Corporations Act, 1882, in the Appendix, *post*, pp. 187, 188, 241.

(3.) The accounts of a county council and of the county treasurer and officers of such council, shall be audited by the district auditors appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections two hundred and forty-seven and two hundred and fifty of the Public Health Act, 1875 (d), and those sections and all enactments amending them or applying to audit by district auditors, including the enactments imposing penalties and providing for the recovery of sums, shall apply in like manner as if, so far as they relate to an audit of the accounts of an urban authority and the officers of such authority, they were herein re-enacted with the necessary modifications, and accordingly all ratepayers and owners of property in the county shall have the like rights, and there shall be the same appeal as in the case of such audit. Provided that the First Schedule to the District Auditors Act, 1879, shall be modified in manner described in the Second Schedule to this Act (e).

38 & 39 Vict.
c. 55.

42 & 43 Vict.
c. 6.

(d) See Local and Municipal Government, pp. 178, 181.

(e) *Ibid.*, p. 1248.

Adaptation
of Part V. of
45 & 46 Vict.
c. 50, as to
corporate
property and
liabilities.

72. After the appointed day the Local Government Board shall exercise, as regards any county borough, or other borough, the powers conferred by Part V. of the Municipal Corporations Act, 1882 (f), relating to corporate property and liabilities, as respects the approval of loans and of the alienation of property, and other matters therein mentioned, and that Part shall, as respects any transactions commenced after the appointed day, be construed as if "Local Government Board" were throughout that Part substituted for "Treasury."

(f) See Appendix, *post*, p. 230.

Local Financial Year and Annual Budget.

Fixing of local
financial year
and conse-

73.—(1.) After the appointed day, not being more than three years after the passing of this Act, the local financial

year shall be the twelve months ending the thirty-first day of March, and the accounts of the receipts and expenditure of every county council shall be made up for that year, but until the appointed day the local financial year shall be the twelve months ending the twenty-fifth day of March, and the said accounts shall be made up for that year.

(2.) All enactments relating to accounts of local authorities, or the audit thereof, or to returns touching their receipts and expenditure, or to meetings, or other matters, shall be modified so far as is necessary for adapting them to the provisions of this section, and the Local Government Board shall from time to time give such orders and make such arrangements as appear to the Board to be necessary or proper for effecting such adaptation, and giving effect to the provisions of this section.

74.—(1.) At the beginning of every local financial year, every county council shall cause to be submitted to them an estimate of the receipts and expenses of such council during that financial year, whether on account of property, contributions, rates, loans, or otherwise.

Annual
budget of
county
councils.

(2.) The council shall estimate the amount which will require to be raised in the first six months, and in the second six months of the said financial year by means of contributions.

(3.) If, at the expiration of the first six months of such financial year, it appears to the council that the amount of the contribution or rate estimated at the commencement of the year will be larger than is necessary, or will be insufficient, the council may revise the estimate and alter accordingly the amount of the contribution or rate.

PART V.

SUPPLEMENTAL.

Application of Acts.

Application of
45 & 46 Vict.
c. 50, to
county
councils and
this Act.

75. For the purpose of the provisions of this Act with respect to county councils, and to the chairmen, members, committees, and officers of such councils, and otherwise for the purpose of carrying this Act into effect, the following portions of the Municipal Corporations Act, 1882 (*g*), namely, Part Two, Part Three, Part Four (as amended by the Municipal Elections (Corrupt Practices) Act, 1884 (*h*)), section one hundred and twenty-four in Part Five, Part Twelve, Part Thirteen, the Second Schedule, Part Two and Part Three of the Third Schedule, and Part One of the Eighth Schedule shall, so far as the same are unrepealed and are consistent with the provisions of this Act, apply as if they were herein re-enacted with the enactments amending the same in such terms and with such modifications as are necessary to make them applicable to the said councils and their chairmen, members, committees, and officers, and to the other provisions of this Act.

47 & 48 Vict.
c. 70.

(*g*) See Appendix, pp. 177—260.

(*h*) See this Act, Local and Municipal Government, pp. 1298—1312.

Provided as follows :—

- (1.) In a year in which county councillors are elected, the elections of those councillors, and of councillors of a borough, shall be conducted together.
- (2.) Such person as the county council may appoint shall be the returning officer for the election of county councillors of the county council, in substitution for the mayor, and for the aldermen assigned for that purpose by the council.
- (3.) The returning officer, without prejudice to any other power, may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes relating to the election of any such councillor, and may by himself or such deputy exercise any powers and do any things which a returning officer

is authorised or required to exercise or do in relation to such election, and shall, for the purposes of the election, have all the powers of the sheriff.

- (4.) A reference in this Act, or in the enactments applied by this Act, to the returning officer or to the mayor or to the alderman shall, so far as relates to the election of any such councillor, be construed to refer to the returning officer, and any such deputy as above-mentioned.
- (5.) A reference in the said enactments to the town clerk, so far as respects the election of any such councillor, shall be construed to refer to the returning officer or his deputy; and as respects matters subsequent to the election, shall be construed to refer to the clerk of the county council.
- (6.) In a borough the returning officer, for the purpose of the election of councillors of the borough, shall continue to be the same as heretofore, and where an electoral division of the county is co-extensive with or wholly comprised in such borough, shall, at the election in such division of a councillor of the county council, act as the returning officer, in pursuance of a writ directed to him from the county returning officer, and, so far as respects that election, shall follow the instructions of, and return the names of the persons elected to the county returning officer in like manner as if he were a deputy returning officer, and any decision of an objection shall be subject to revision by the county returning officer accordingly, and a reference in the said enactments to the town clerk shall, as respects the borough, be construed to refer to the town clerk.
- (7.) Some place fixed by the returning officer shall, except where the election is in a borough, be substituted for the town clerk's office, and, as respects the hearing of objections to nomination papers, for the town hall, but such place shall, if the electoral division is the whole or part of an urban district, be in that district, and in any other case shall be in

Local Government (England and Wales) Act, 1888.

the electoral division, or in an adjoining electoral division.

- (8.) The returning officer shall forthwith after the election of county councillors for the county return the names of the persons elected to the clerk of the county council.
- (9.) The period between the nomination and election may be such period, not exceeding six days, as the returning officer may fix.
- (10.) An outgoing alderman shall not as alderman vote in the election of a chairman.
- (11.) The hours of the poll shall be those fixed by the Elections (Hours of Poll) Act, 1885 (*h*).

48 & 49 Vict.
c. 10.

(*h*) See note (*c*) to sect. 2, *ante*.

- (12.) Section eleven of the Municipal Corporations Act, 1882, with respect to the qualification of a county councillor by reason of his being entered in the separate non-resident list, shall include, for the purposes of this Act, all persons entered in such separate list in any municipal borough by reason of occupation of property in the borough, and all persons entered in such separate list for any part of a county not in a municipal borough by reason of the occupation of property in that part (*i*).

(*i*) See County Electors Act, s. 3, *post*, p. 164.

- (13.) The seventh of November shall be substituted for the ninth of November as the ordinary day of election of the chairman and of county aldermen, and as the day for holding a quarterly meeting of the county council.
- (14.) Ten days shall be substituted for five days in section thirty-four of the Municipal Corporations Act, 1882, as the time within which a person elected to a corporate office is to accept that office, and twelve months shall be substituted for six months in section thirty-nine of the said Act, as the period of absence which disqualifies an alderman or councillor.
- (15.) The quorum of the council shall be one-fourth of the whole number of the council, and one-fourth

shall, for the purposes of this section, be substituted for one-third in paragraph ten of the Second Schedule to the Municipal Corporations Act, 1882.

(16.) Nothing in the Municipal Corporations Act, 1882, as applied by this section—

(a) shall alter the application of any fine, penalty, or forfeiture recoverable in a summary manner; or

(b) shall apply any of the provisions of the Municipal Corporations Act, 1882, with reference to boundaries or the alteration of wards or borough auditors, nor any of the following provisions, namely, sub-section five of section fifteen, section sixteen, section two hundred and fifty-one, or section two hundred and fifty-seven; or

(c) shall render any person elected to a corporate office without his consent to his nomination being previously obtained liable to pay a fine on non-acceptance of office, or render a chairman or deputy chairman disqualified as such by reason of absence; or

(d) shall authorise or require a returning officer to hold an election of a councillor to fill a casual vacancy in the representation of an electoral division where the vacancy occurs within six months before the time fixed by this Act for a new election of a councillor to represent such electoral division; or

(e) shall apply to a county council section seventeen of the said Act with respect to the town clerk, nor, unless the county council so resolve, section eighteen respecting the treasurer, but, if the county council so resolve, section eighteen shall supersede the existing enactments with respect to the county treasurer; or

(f) shall require the acts and proceedings of the standing joint committee of the county council and quarter sessions to be submitted to the county council for their approval; or

(g) shall prevent the use of schools and public rooms for the purpose of taking the poll at elections under this Act, but section six of the Ballot Act, 35 & 36 Vict. c. 33.

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1872 (*i*), shall apply in the case of elections under this Act, and the returning officer may, in addition to using such rooms free of charge for taking the poll, use the same free of charge for hearing objections to nomination papers and for counting votes.

(*i*) See Local and Municipal Government, p. 1267.

(17.) All costs properly incurred in relation to the holding of elections of councillors of county councils, so far as not otherwise provided for by law, shall be paid out of the county fund as general expenses.

(18.) The said costs shall not exceed those allowed by Part I. of the First Schedule to the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act, 1885, or by such scale as the county council may from time to time frame.

(19.) Sections four, five, six, and seven of the Parliamentary Elections (Returning Officers) Act, 1875 (*k*), as amended by the Parliamentary Elections (Return-

38 & 39 Vict.
c. 84.

48 & 49 Vict.
c. 62.

49 & 50 Vict.
c. 57.

(*k*) These sections are as follows:—

Sect. 4. “Within twenty-one days after the day on which the return is made of the persons elected at the election, the returning officer shall transmit to every candidate or other person from whom he claims payment either out of any deposit or otherwise of any charges in respect of the election, or to the agent for the election expenses of any such candidate, a detailed account showing the amounts of all the charges claimed by the returning officer in respect of the election, and the share thereof which he claims from the person to whom the account is transmitted. He shall annex to the account a notice of the place where the vouchers relating to the account may be seen, and he shall at all reasonable times and without charge allow the person from whom payment is claimed, or any agent of such person, to inspect and take copies of the vouchers.

“The returning officer shall not be entitled to any charges which are not duly included in his account.

“If the person from whom payment is claimed objects to any part of the claim, he may, at any time within fourteen days from the time when the account is transmitted to him, apply to the Court as defined in this section for a taxation of the account, and the Court shall have jurisdiction to tax the account in such manner and at such time and place as the Court thinks fit, and finally to determine the amount payable to the returning officer, and to give and enforce judgment for

ing Officers) Act (1875) Amendment Act, 1886 (*l*), shall apply as if they were herein re-enacted with the necessary modifications, and in particular with

the same as if such judgment were a judgment in an action in such Court, and with or without costs at the discretion of the Court.

“The Court, for the purposes of this Act, shall be in the City of London the Lord Mayor’s Court, and elsewhere in England the County Court . . . having jurisdiction at the place of nomination for the election to which the proceedings relate.

“The Court may depute any of its powers or duties under this Act to the registrar or other principal officer of the Court.

“Nothing in this section shall apply to the charge of the returning officer for publication of accounts of election expenses.”

Sect. 5. “Every person having any claim against a returning officer for work, labour, materials, services, or expenses in respect of any contract made with him by or on behalf of the returning officer for the purposes of an election, except for publication of accounts of election expenses, shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars.

“Where application is made for taxation of the accounts of a returning officer, he may apply to the Court as defined in this Act to examine any claim transmitted to him by any person in pursuance of this section, and the Court, after notice given to such person, and after hearing him, and any evidence tendered by him, may allow or disallow, or reduce the claim objected to, with or without costs, and the determination of the Court shall be final for all purposes, and as against all persons.”

Sect. 6. “In any case to which the fourteenth section of the Ballot Act, 1872, is applicable, it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal or school board elections, and the Court, upon taxation of his accounts, shall have regard to the provisions of this section.”

Sect. 7. “There shall be added to every notice of election to be published under the provisions of the Ballot Act, 1872, the notification contained in the second schedule to this Act with respect to claims against returning officers.”

N.B.—The notification contained in the second schedule sets out the provisions of sect. 5, *ante*.

(*l*) The Parliamentary Election (Returning Officers) Act (1875) Amendment Act, 1886, is a short Act of two sections, and provides for a review of the taxation under the former Act by a taxing officer of the Supreme Court.

Local Government (England and Wales) Act, 1888.

the substitution of the county council for the person from whom payment is claimed, and of one month for the period of fourteen days within which application may be made for taxation.

- (20.) A county council shall, on the request of the returning officer, prior to a poll being taken at any election of a councillor of such council, advance to him such sum not exceeding ten pounds for every thousand electors at the election as he may require.
- (21.) The meeting of a county council, or of any committee thereof, may be held at such place either within or without their county, as the council from time to time direct.

Amendment
of
51 & 52 Vict.
c. 10.

76.—(1.) The provisions of section four of the County Electors Act, 1888 (*f*), with respect to the framing of the lists and register of voters in parts shall extend to parishes situate within a parliamentary borough.

(*f*) *Post*, p. 164.

(2.) In the provisions of section four of the said Act with respect to making out the lists of voters according to the order in which the qualifying premises appear in the rate book, the county authority shall mean the county council.

(3.) The names of the parliamentary electors and county electors in the lists in each polling district may be numbered consecutively, and such portion of those lists as consists of the names of parliamentary electors may be taken to form the register for the purpose of parliamentary elections, and such portion of those lists as contains the names of county electors may be taken to form the register of county electors.

(4.) For the purpose of the provisions of the Acts relating to the appointment of revising barristers (*g*), and of section nine of the County Electors Act, 1888 (*h*), the county of Surrey and such portion of the county of London as is situate south of the Thames shall be deemed to be separate counties forming part of the south-eastern circuit; and such portion of the administrative county of London as is situate north of the Thames shall be deemed to form part of the county of Middlesex; and the county of Middlesex, inclusive of that

portion, shall be deemed to be a separate county on a circuit ; but any sum payable by the London county council in respect of either of the said portions of the county, shall be paid as for a general county purpose.

(g) See 6 & 7 Vict. c. 18, ss. 28, 29, 59 ; 17 & 18 Vict. c. 94 ; 31 & 32 Vict. c. 58, s. 25 ; 36 & 37 Vict. c. 70, s. 2 ; 37 & 38 Vict. c. 53 ; and 41 & 42 Vict. c. 26.

(h) *Post*, p. 171.

(5.) The provisions of section eleven of the County Electors Act, 1888 (i), with respect to the payment of the sums therein mentioned shall apply to the payment of the said sums in the year one thousand eight hundred and eighty-eight, in like manner as if a county authority had not been established under this Act.

(i) *Post*, p. 173.

(6.) It is hereby declared that nothing in section twelve of the County Electors Act, 1888 (k), applies to any person occupying property within a borough.

51 & 52 Vict.
c. 10.

(k) *Post*, p. 173.

(7.) It shall be lawful for her Majesty the Queen, by order in council, from time to time to alter the instructions, precepts, notices, and forms under the Registration of Electors Acts, in such manner as appears to her Majesty necessary for carrying into effect this Act and the County Electors Act, 1888, and any other Act for the time being in force amending or affecting the Acts mentioned in this sub-section, and the instructions, precepts, notices and forms specified in any such order in council shall be observed and be valid in law, and clerks of the peace, and town clerks, and other officers shall act accordingly.

(8.) The provisions of section six of the said County Electors Act, 1888 (l), requiring the statement of the barrister for the purpose of an appeal to be made not less than four days before the first day of the Michaelmas sittings shall not apply in the year one thousand eight hundred and eighty-eight.

(l) *Post*, p. 169.

77. A person who is entitled to be registered as a county Residential
qualification

ss. 77, 78.

of county
electors in
administra-
tive county
of London.

elector in respect of any qualification in the administrative county of London, in all respects except that of residence, and is resident beyond seven miles but within fifteen miles of the county, shall be entitled to be registered as a county elector.

Construction
of Acts
referring to
business
transferred.

78.—(1.) All enactments in any Act, whether general or local and personal, relating to any business, powers, duties or liabilities transferred by or in pursuance of this Act from any authority to a county council, either alone or jointly with the quarter sessions, or to any joint committee, shall, subject to the provisions of this Act, and so far as circumstances admit, be construed as if—

(a) any reference therein to the said authority or to any committee or member thereof or to any meeting thereof (so far as it relates to the business, powers, duties, or liabilities transferred) referred to the county council or to a committee or member thereof or to a meeting thereof, as the case requires, and as if—

(b) a reference to any clerk or officer of such authority referred to the clerk or officer of a county council or committee thereof, as the case requires,

and all the said enactments shall be construed with such modifications as may be necessary for carrying this Act into effect.

(2.) Provided that the transfer of powers and duties enacted by this Act shall not authorize any county council or any committee or member thereof—

(a) to exercise any of the powers of a court of record; or

(b) to administer an oath; or

(c) to exercise any jurisdiction under the Summary Jurisdiction Acts, or perform any judicial business, or otherwise act as justices or a justice of the peace;

but this enactment shall be without prejudice to the position of the chairman of the county council as justice of the peace during his term of office.

(3.) Where under any such enactment as in this section mentioned, any powers, duties, or liabilities are to be

exercised or discharged after any presentment or in any particular manner, or at any particular meeting, or subject to any other conditions, the county council may, by the standing orders for the regulation of their proceedings, provide for the exercise and discharge of those powers, duties, and liabilities without any such prior presentment or in a different manner, or at any meeting of the council fixed by the standing orders, or without such other conditions; and until such standing orders take effect shall exercise and discharge them in the like manner, and at the like time, and subject to the like conditions, so nearly as circumstances admit; and a presentment by a grand jury in relation to any such powers, duties, or liabilities, shall cease to be made otherwise than by way of indictment.

(4.) For the purposes of this section the expression “authority” means a secretary of state, the Board of Trade, the Local Government Board, and any Government department, also any commissioners, conservators, or public body, corporate or unincorporate, specified in a provisional order transferring any powers, duties, or liabilities to the county council, also any quarter sessions and any justices, also the Metropolitan Board of Works, or other local authority mentioned in this Act; and the expression “member of an authority” includes, where the authority are quarter sessions or justices, any justice, and the expression “meeting of an authority” includes a court of quarter sessions and the assembly of justices in special or petty sessions; and the expression “clerk of an authority” includes in relation to any quarter sessions or justices, the clerk of the peace or the clerk to a justice as the case requires.

This section shall apply as if a joint committee were a committee of the county council.

Proceedings of Councils and Committees.

79.—(1.) The council of each county shall be a body corporate by the name of the county council with the addition of the name of the administrative county, and shall have perpetual succession and a common seal and power to acquire

Incorporation
of county
council.

and hold land for the purposes of their constitution without licence in mortmain (*m*).

(*m*) Compare sect. 7, Public Health Act, 1875. (Local and Municipal Government, p. 49.)

(2.) All duties and liabilities of the inhabitants of a county shall become and be duties and liabilities of the council of such county.

(3.) Where any enactment (whether relating to lunatic asylums or bridges, or other county purposes, or to quarter sessions,) requires or authorizes land to be conveyed or granted to, or any contract or agreement to be made in the name of, the clerk of the peace, or any justice or justices or other person, on behalf of the county or quarter sessions, or justices of the county, such land shall be conveyed or granted to, and such contract and agreement shall be made with, the council of the administrative county concerned.

Payments out
of fund and
finance
committee
of county
council.

80.—(1.) All payments to and out of the county fund shall be made to and by the county treasurer, and all payments out of the fund shall, unless made in pursuance of the specific requirement of an Act of Parliament or of an order of a competent court, be made in pursuance of an order of the council signed by three members of the finance committee present at the meeting of the council and countersigned by the clerk of the council, and the same order may include several payments. Moreover all cheques for payment of moneys issued in pursuance of such order shall be countersigned by the clerk of the council or by a deputy approved by the council.

(2.) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs, according to the judgment and discretion of the court.

(3.) Every county council shall from time to time appoint a finance committee for regulating and controlling the finance of their county; and an order for the payment of a sum out of the county fund, whether on account of capital or income, shall not be made by a county council, except in pursuance of a resolution of the council passed on the recommendation of

the finance committee, and (subject to the provisions of this Act respecting the standing joint committee) any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee.

(4.) The notice of the meeting at which any resolution for the payment of a sum out of the county fund (otherwise than for ordinary periodical payments), or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred.

(5.) This section shall not apply to county boroughs.

81.—(1.) Any county council or councils, and any court or courts of quarter sessions, may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.

Appointment
of joint
committees.

(2.) Any council or court taking part in the appointment of any joint committee under this section, may from time to time delegate to the committee any power which such council or court might exercise for the purpose for which the committee is appointed.

(3.) Provided that nothing in this section shall authorise a council to delegate to a committee any power of making a rate or borrowing any money (*n*).

(*n*) Compare sect. 28 (3), *ante*.

(4.) Subject to the terms of delegation, any such joint committee shall, in respect of any matter delegated to it, have the same power in all respects as the councils and courts appointing it, or any of them, as the case may be.

(5.) The members of a joint committee appointed under this Act shall be appointed at such times and in such manner as may be from time to time fixed by the council or court who appointed them, and shall hold office for such time as may be fixed by the council or court who appointed them, so that where any members of the committee were appointed by the county council, such committee do not continue for more than three months after any triennial election of councillors of such county council.

(6.) The costs of a joint committee shall be defrayed by the council by whom any of its members were appointed, or if appointed by more than one council in the proportion agreed to by them; and the accounts of such joint committee and their officers shall, for the purposes of the provisions of this Act, be deemed to be accounts of the county council and their officers.

(7.) This section shall apply to the councils of county boroughs in like manner as to councils of administrative counties, and a standing joint committee may be appointed for two or more administrative counties, inclusive of county boroughs, and the members of such joint committee shall be appointed by the several quarter sessions and councils in such proportion and manner as they respectively may arrange, and in default of arrangement as may be directed by a Secretary of State.

(8.) This section shall apply to the standing joint committees.

**Proceedings
of committees.**

82.—(1.) A county council appointing under this Act any committee may from time to time make, vary, and revoke regulations respecting the quorum and proceedings of such committee, and as to the area (if any) within which it is to exercise its authority; and subject to such regulations the proceedings and quorum and the place of meeting whether within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a second or casting vote.

(2.) Every committee shall report its proceedings to the council by whom it was appointed, but to the extent to which the council so direct, the acts and proceedings of the committee shall not be required by the provisions of the Municipal Corporations Act, 1882, to be submitted to the council for their approval.

(3.) In the case of a joint committee the councils and courts appointing the joint committee shall jointly have the powers given by this section, and the provisions of this section shall apply accordingly.

Officers.

83. Subject to the provisions of this Act for the protection of clerks of the peace holding office at the passing of this Act, the following provisions shall have effect:—

Clerk of the peace and of county council.

- (1.) The clerk of the peace of a county, besides acting as clerk of the peace of that county, shall also (subject to the provisions of this Act as respects particular counties) be the clerk of the county council, and in that capacity is referred to in this Act as the clerk of the county council.
- (2.) He shall be from time to time appointed by the standing joint committee of the county council and the quarter sessions, and may be removed by that joint committee.
- (3.) He shall, subject to the directions of the custos rotulorum or the quarter sessions or the county council, as the case may require, have charge of and be responsible for the records and documents of the county.
- (4.) The joint committee may appoint a deputy clerk to hold office during their pleasure, and to act in lieu of such clerk in case of his death, illness, or absence, or in such other cases as may be determined by the joint committee, and wherever the deputy so acts, all things authorised or required to be done by, to, or before the clerk of the peace, or clerk of the county council, may be done by, to, or before any such deputy; without prejudice to the appointment of a deputy clerk for the purpose of a second court on the division of the court of quarter sessions for judicial business.
- (5.) The council shall pay to the clerk of the peace in respect of his services as clerk of the peace and as clerk of the county council, such salary as may be from time to time fixed under the enactments relating thereto, and all fees and costs payable to the clerk of the peace which are not excluded when the salary of the clerk of the peace is fixed shall be paid to the county fund, and for the purpose of the

Local Government (England and Wales) Act, 1888.

enactments relating to such salary and fees, the standing joint committee of the county council and the quarter sessions shall be substituted for the quarter sessions and the local authority respectively.

- (6) The clerk of the peace, when acting in relation to any business of the county council, and when acting under the Acts relating to the registration of parliamentary voters, or to the deposit of plans or documents, or to jury lists, or to any registration matters, shall act under the direction of the county council, and all enactments relating to such business, registration, or deposit, shall be construed as if clerk of the county council were therein substituted for clerk of the peace.
- (7.) The office of clerk of the peace of each of the administrative counties of Sussex and Suffolk shall be a separate office; but nothing in this Act shall prevent the same person from being appointed to both such offices; and the justices in general sessions assembled for the entire county of Sussex or Suffolk may from time to time appoint the person who is clerk of the peace for either administrative county to be clerk of the peace of such general sessions, and may remove such clerk, and the remuneration to be paid to such clerk shall be determined jointly by the standing joint committees for the administrative counties.
- (8.) The existing records of the county of Sussex and of the county of Suffolk shall, subject to the order of quarter sessions, continue to be kept by the clerk of the peace of East Sussex and by the clerk of the peace for East Suffolk respectively.
- (9.) This section shall apply to the clerks of the peace and deputy clerks of the peace of the county of Lancaster, in like manner as it applies to clerks of the peace of any other county, but the appointment of any such deputy clerk of the peace may be discontinued if the standing joint committee think fit.

- (10.) The joint committee of the councils of the three ridings or divisions of Yorkshire and Lincolnshire may from time to time appoint a clerk of such joint committee, and may from time to time remove such clerk.
- (11.) The clerk of the peace for the county of London shall be a separate officer from the clerk of the county council for the administrative county of London, and
- (a) the clerk of the peace shall, subject to the directions of the quarter sessions, have charge of and be responsible for the records and documents of those sessions and of the justices out of session, and the clerk of the county council shall, subject to the directions of the council, have charge of and be responsible for all other documents of the county; and
- (b) the council may from time to time appoint a deputy clerk of the council, and the foregoing provisions of this section with respect to the deputy clerk shall apply; and
- (c) the council shall pay to the clerk of the council such salary as may be from time to time fixed by them.
- (12.) The county council shall cause their clerk or other officer from time to time to send to a Secretary of State or the Local Government Board such returns and information as may from time to time be required by either House of Parliament.
- (13.) Provided always, that no paid clerk or other paid official in the permanent employment of a county council who is required to devote his whole time to such employment shall be eligible to serve in Parliament.

84.—(1.) The salaried clerk of every petty sessional division shall be from time to time appointed, and removed, as heretofore (o). Appointment of the justices' clerks and clerks of committees.

(o) See 40 & 41 Vict. c. 43, ss. 5, 7.

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(2.) The county council shall pay to the salaried clerks of petty sessional divisions such salaries as may be fixed under the enactments relating to those clerks, and all fees and costs payable to such clerks which are not excluded in the fixing of their salaries shall be paid into the county fund, and in the enactments relating to such salaries and fees the standing joint committee shall be substituted for the quarter sessions justices and the local authority respectively.

Regulations for Bicycles, &c.

Regulations
for bicycles,
&c.

85.—(1.) The provisions of section twenty-six, sub-section five, of the Highways and Locomotives (Amendment) Act, 1878, and section twenty-three, sub-section one, of the Municipal Corporations Act, 1882, in so far as it gives power to the council to make bye-laws regulating the use of carriages herein referred to, and all other provisions of any public or private Acts, in so far as they give power to any local authority to make bye-laws for regulating the use of bicycles, tricycles, velocipedes, and other similar machines, are hereby repealed, and bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the Highway Acts; and the following additional regulations shall be observed by any person or persons riding or being upon such carriage—

- (a) During the period between one hour after sunset and one hour before sunrise, every person riding or being upon such carriage shall carry attached to the carriage a lamp, which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted, as to afford adequate means of signalling the approach or position of the carriage.
- (b) Upon overtaking any cart or carriage, or any horse, mule, or other beast of burden, or any foot passenger, being on or proceeding along the carriage way, every such person shall within a reasonable distance from and before passing such cart or carriage, horse, mule, or other beast of burden, or such foot passenger, by sounding a bell or whistle,

or otherwise, give audible and sufficient warning of the approach of the carriage.

(2.) Any person summarily convicted of offending against the regulations made by this section, shall for each and every such offence, forfeit and pay any sum not exceeding forty shillings.

Adaptation of Acts.

86. For the purpose of adapting the Acts relating to pauper lunatic asylums to the provisions of this Act, the following provisions shall have effect:—

*Adaptation
of Lunatic
Asylum Acts.*

- (1.) The accounts of the committee of visitors and of their officers shall, for the purposes of the provisions of this Act with respect to accounts of a county council and their officers, and the audit thereof, be deemed to be accounts of the council and officers.
- (2.) Nothing in this Act shall transfer to the county council or any members thereof the jurisdiction of quarter sessions or any justices in relation to the removal, reception, or detention of a lunatic into or in an asylum, or to making orders respecting the payment otherwise than out of the county fund of charges incurred on account of any pauper lunatic, or respecting any property of any such lunatic, or respecting his settlement or chargeability, or in relation to any appeal touching the said matters.
- (3.) Where at the passing of this Act the recorder or justices or council of a borough appoint members of the committee of visitors of any lunatic asylum, then—
 - (a) if the representatives of that borough on the county council are entitled to vote for the appointment by that council of visitors of that asylum, such recorder or justices or council shall cease to have power to appoint the said members; and
 - (b) if the representatives of the borough are not so entitled to vote, the said power of appointment by the recorder or justices shall be transferred to the council of the borough.

Local Government (England and Wales) Act, 1888.

- (4.) Where at the passing of this Act a borough with a separate court of quarter sessions not being a county borough, but containing, according to the census of one thousand eight hundred and eighty-one, a population of ten thousand or upwards, contracts with the quarter sessions of the county in which the borough is situate for the reception of the lunatics of the borough in the asylum of the county, such borough shall, on the determination of such contract, cease to have power to build a lunatic asylum, and subject to the enactments providing for an additional charge for the maintenance of lunatics in cases where no contribution has been made towards the cost of building and furnishing an asylum, shall be liable to contribute to the county rate of the county in respect of such lunatic asylum in like manner as the rest of the county.
- (5.) Any asylum provided in whole or in part at the cost of a county shall for the purposes of this Act be included in the expression "county lunatic asylum."
- (6.) Where there is more than one county lunatic asylum, the county council may from time to time appoint one committee for the management and control of all the county lunatic asylums, and such committee shall be the committee of each asylum within the meaning of the Acts relating to pauper lunatic asylums, and shall from time to time appoint a sub-committee for each separate asylum, and may delegate to that sub-committee, such powers and duties as the committee from time to time think fit.
- (7.) The said committee may, subject to any directions given by the county council, provide that a uniform charge shall be made for the maintenance of lunatics in the several county asylums, and that for that purpose any surplus arising on the accounts of one asylum shall be applied to meet the deficit arising on the accounts of another asylum.
- (8.) The provisions of this Act with respect to the proceedings of committees of county councils shall apply to the proceedings of the committee of visitors for a

lunatic asylum, and the chairman of such committee may be elected accordingly.

87.—(1.) Where the Local Government Board are authorised by this Act to make any inquiry, to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, sanction, or approval to any matter, or otherwise to act under this Act, they may cause to be made a local inquiry, and in that case, and also in a case where they are required by this Act to cause to be made a local inquiry, sections two hundred and ninety-three to two hundred and ninety-six, both inclusive, of the Public Health Act, 1875 (*p*), shall apply as if they were herein re-enacted, and in terms made applicable to this Act.

Application of provisions of 38 & 39 Vict. c. 55, as to local inquiries and provisional orders.

(*p*) See Local and Municipal Government, p. 204.

(2.) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (*q*) (which relate to the making of provisional orders by the Local Government Board), shall apply for the purposes of this Act as if they were herein re-enacted, and in terms made applicable thereto.

(*q*) See Local and Municipal Government, p. 205.

(3.) Provided that, where a provisional order transfers to county councils generally any powers, duties, or liabilities of Her Majesty's Privy Council, a Secretary of State, the Local Government Board, or other Government department, it shall not be necessary to hold a local inquiry nor to advertise in any local newspaper.

(4.) Where any matter is authorised or required by this Act to be prescribed, and no other provision is made declaring how the same is to be prescribed, the same shall be prescribed from time to time by the Local Government Board.

(5.) Where the Board cause any local inquiry to be held under this Act, the costs incurred in relation to such inquiry, including the salary of any inspector or officer of the Board engaged in such inquiry, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions

as the Board may direct, and the Board may certify the amount of the costs incurred, and any sum so certified and directed by the Board to be paid by any council or authority shall be a debt to the Crown from such council or authority.

Adaptation
of Act to
Metropolis.

88. In the administrative county of London the following provisions shall have effect :

- (a) The county council may from time to time appoint any fit person to be deputy chairman, and to hold office during the term of office of the chairman, and may pay to such deputy chairman such remuneration as the county council may from time to time think fit;
- (b) Subject to any rules from time to time made by the county council, anything authorised or required to be done by, to, or before the chairman, may be done by, to, or before such deputy chairman ;

38 & 39 Vict.
c. 55.

- (c) Section one hundred and ninety-one of the Public Health Act, 1875 (*r*), shall apply to the Metropolis in like manner as if the Commissioners of Sewers in the City of London, and every vestry of a parish in Schedule A., and district board of a district in Schedule B., to the Metropolis Management Act, 1855, or under any Act amending the same, were a local authority within the meaning of that section, and as if any medical officer hereafter appointed by such commissioners, vestry, or district board were appointed under the said Act, and the provisions of this Act with respect to the qualification of a medical officer or to the payment by a county council of a portion of the salary of a medical officer shall apply accordingly.

18 & 19 Vict.
c. 120.

(*r*) See Local and Municipal Government, p. 152.

Adjustment
of law as re-
gards courts,
juries,
sittings,
and legal
proceedings
in Middlesex

89.—(1.) The Central Criminal Court Act, 1834, shall be construed as if the county of London were throughout mentioned therein as well as the county of Middlesex.

(2.) The County Juries Act, 1825, and the Acts amending the same, shall apply to the county of London in like manner

as they apply to the county of Middlesex, and persons shall be qualified to serve as jurors, and lists of jurors shall be made out in like manner, so nearly as circumstances admit, as in that county; and the present exemption of inhabitants of the liberty and city of Westminster from serving on juries at quarter sessions for the county of Middlesex shall cease; but nothing in this section shall alter the qualification of persons to serve as jurors within the city of London.

and London.
4 & 5 Will. 4,
c. 36.
6 Geo. 4, c. 50.

(3.) Subject to rules of court made by the authority having power to make rules for the Supreme Court of Judicature, the county of London and the county of Middlesex shall be deemed to be one county for the purpose of all legal proceedings, civil or criminal, in the Supreme Court or Central Criminal Court, or any other court except the court of quarter sessions, and also for the purpose of the sittings of the Supreme Court, Central Criminal Court, or such other court as aforesaid, or of any judge of any of such courts, and also for the purpose of any jury, and of any court of assize, oyer and terminer, and gaol delivery; and all enactments, rules, orders, and documents referring to Middlesex shall be construed so as to give effect to this section; and rules of court may be from time to time made for the purpose of carrying this section into effect, and for regulating the issue of precepts to the sheriffs of the counties of London and Middlesex for the return of jurors, and the jurors so returned shall have the same powers, duties, and liabilities as if the two counties were one county.

90. In the adjustment of the property, debts, and liabilities between the counties of Surrey and Middlesex respectively, and the county of London, the annual sums payable by the counties of Surrey and Middlesex respectively in respect of certain bridges in pursuance of the Metropolis Toll Bridges Act, 1877, shall be deemed to be liabilities which shall be taken into consideration upon such adjustment.

Special provisions as to adjustment in the Metropolis.

40 & 41 Vict.
c. 99.

91. The Acts relating to the general and local militia of the rest of England and Wales shall apply to the whole of the county of London in like manner as they apply to any county at large; and accordingly Her Majesty shall from time to time appoint a lieutenant of the county of London (*s*), provided

Adjustment as regards the Militia Acts.

ss. 91—93.

45 & 46 Vict.
c. 49.

that nothing in this section shall affect section fifty of the Militia Act, 1882.

(s) The jurisdiction and powers of county lieutenants over the militia are defined by 34 & 35 Vict. c. 86, and 45 & 46 Vict. c. 49.

Savings.

Saving for
votes at any
Parliamentary
elections.

92.—(1.) Nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any parliamentary borough or parliamentary county, or the right of any person to be registered as a voter at any parliamentary election.

(2.) Where by virtue of the provisions of this Act with respect to the county of London, or to urban sanitary districts situate partly within and partly without the boundary of a county, a place situate in a parliamentary county becomes part of the county of a council other than the council having authority over the largest part of the parliamentary county, that is to say, the part which contains the largest number of occupation voters, then, for the purpose of making out and revising the lists of voters, of conducting any parliamentary election, of polling districts, and assigning polling places, and for all purposes of and incidental to such matters, including the payment of expenses, such place shall be deemed to be part of the same county as the said largest part of the said parliamentary county, and the sheriff, council, clerk of the peace, authorities, and officers of that county shall have authority accordingly in the said place, and the provisions of the Registration Act, 1885, with respect to parliamentary counties extending into more county quarter sessional areas than one, shall apply with the necessary modifications.

48 & 49 Vict.
c. 15.

(3.) Provided that the clerk of the peace who receives from the revising barrister the lists of voters in any such place shall supply to any other clerk of the peace or other officer such number of revised lists as he may require for the purpose of making up a register of county electors.

Saving for
Metropolitan
and City
Police.

93.—(1.) Nothing in this Act shall alter the metropolitan police district, nor (save as is expressly provided with respect to contributions in substitution for local grants) affect the metropolitan police force, or the raising of money for the

same, and nothing in this Act shall affect the police of the City of London.

(2.) Nothing in this Act shall authorize any county council to raise any sum for the purposes of any police force by any contribution or rate levied within the metropolitan police district; and nothing in this Act shall alter the authority under the Riot (Damages) Act, 1886, within the metropolitan police district or the City of London.

49 & 50 Vict.
c. 38.

94. The grant made by the county council of London in respect of indoor paupers shall be in addition to any payment made out of the metropolitan common poor fund, and nothing in this Act shall affect the enactments relating to the fund.

Saving for
metropolitan
common poor
fund.

95.—(1.) Any enactment providing that any magistrate, commissioner, or other officer shall be a justice of the peace for Middlesex, shall be construed to refer to the county of London as well as the county of Middlesex.

Saving as to
Middlesex,
Surrey, and
Kent.

(2.) Where any enactment, deed, instrument, or document refers to the county of Middlesex, Surrey, or Kent, such enactment, deed, instrument, or document shall be construed to apply to the same area to which it would have applied if this Act had not passed, except where such application is inconsistent with this Act, or where the object of such enactment, deed, instrument, or document requires that it shall be construed to apply to the county of London.

96. Nothing in this Act shall alter the area to which the enactments relating to the registration of land in the county of Middlesex apply, and any reference in those enactments or in any deed, instrument, or document made or issued under or for the purpose of those enactments, to the county of Middlesex, shall be construed to apply to the same area to which it would have applied if this Act had not passed.

Saving for
Middlesex
Land
Registry.

97. Nothing in this Act with respect to main roads shall alter the liability of any person or body of persons, corporate or unincorporate, not being a highway authority, to maintain and repair any road or part of a road.

Saving as to
liability for
main roads.

98. Notwithstanding anything in the foregoing sections of this Act, the Commissioners of Inland Revenue and the Com-

Saving for
powers of
Commis-

Commissioners of
Inland
Revenue and
Customs.

Commissioners of Customs, and the officers of those commissioners respectively, shall have the same powers in relation to any articles subject to any duty of customs or excise, manufactured, imported, kept for sale, or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyances used in connexion therewith or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, or having the custody of the same, as they would have had if this Act had not passed, and any licences transferred in pursuance of this Act had continued to be granted by the Commissioners of Inland Revenue.

Definitions.

Definition of
"written."

99. All notices and documents required by this Act to be in writing may be in writing or print, or partly in writing and partly in print, and for the purposes of this section "print" includes any mechanical mode of reproduction.

Interpreta-
tion of
certain terms
in the Act.

100. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say:

The expression "county" does not include a county of a city or county of a town:

The expression "entire county" means, in the case of a county divided into administrative counties, the whole of the county formed by those administrative counties:

The expression "division of a county," in the provisions of this Act respecting the property of quarter sessions, includes any hundred, lathe, wapentake, or other like division:

The expression "administrative county," means the area for which a county council is elected in pursuance of this Act, but does not (except where expressly mentioned) include a county borough:

The expression "Metropolis" (*t*) means the city of London and the parishes and places mentioned in Schedules A., B., and C. to the Metropolis Management Act, 1855, as amended by subsequent Acts:

The expression "borough" means any place for the time being subject to the Municipal Corporations Act, 1882, and any reference to the mayor, aldermen, and burgesses of a borough shall include a reference to the mayor, aldermen, and citizens of a city :

45 & 46 Vict.
c. 50.

(t) The following are the parishes and places mentioned :—

SCHEDULE (A)—PART I. *Parishes.*

St. Marylebone.	St. George, Hanover Square.
St. Pancras.	Islington, St. Mary.
Lambeth.	Shoreditch, St. Leonard.

PART II. *Parishes.*

Paddington.	St. Luke, Middlesex.
St. Matthew, Bethnal Green.	St. George the Martyr, Southwark.
St. Mary, Newington, Surrey.	Bermondsey.
Camberwell.	St. George-in-the-East.
St. James, Westminster.	St. Martin-in-the-Fields.
St. James and St. John, Clerkenwell.	Hamlet of Mile End Old Town.
Chelsea.	Woolwich.
Kensington, St. Mary Abbot.	Rotherhithe.
	St. John, Hampstead.

SCHEDULE (B)—PART I.

<i>Name of District.</i>	<i>Parishes.</i>
Whitechapel District.	St. Mary, Whitechapel. Christchurch, Spitalfields. St. Botolph, Without Aldgate, in the county of Middlesex. Holy Trinity, Minories. St. Katherine, Precinct of. Mile End New Town, Hamlet of. Liberty of Norton Folgate. Old Artillery Ground. Tower, District of.
Westminster District.	St. Margaret. St. John the Evangelist.
Greenwich District.	St. Paul, Deptford, including Hatcham. St. Nicholas, Deptford. Greenwich.
Wandsworth District.	Clapham. Tooting Graveney. Streatham. St. Mary, Battersea, excluding Penge. Wandsworth. Putney, including Roehampton.

Local Government (England and Wales) Act, 1888.

The expression "quarter sessions borough" means a borough having a separate court of quarter sessions and includes a county of a city and a county of a town, subject to the Municipal Corporations Act, 1882 :

The expression "quarter sessions" as respects any county, riding, division, or liberty, means the justices in quarter or general sessions assembled, and includes justices assembled in gaol sessions, annual general sessions, and adjourned sessions, and as respects any borough, means any court of quarter or general sessions held for the borough or for any county of a city or town consisting

<i>Name of District.</i>	<i>Parishes.</i>
Hackney District.	Hackney. St. Mary, Stoke Newington.
St. Giles' District.	St. Giles-in-the-Fields. St. George, Bloomsbury.
Holborn District.	St. Andrew, Holborn above Bars. St. George the Martyr. St. Sepulchre, in the county of Middlesex. Saffron Hill, Hatton Garden, Ely Rents, and Ely Place. The Liberty of Glasshouse Yard.
Strand District.	St. Anne, Soho. St. Paul, Covent Garden. St. John the Baptist, Savoy or Precinct of the Savoy. St. Mary-le-Strand. St. Clement Danes. Liberty of the Rolls.
Fulham District.	St. Peter and St. Paul, Hammersmith. Fulham.
Limehouse District.	St. Anne, Limehouse. St. John, Wapping. St. Paul, Shadwell. Ratcliffe, Hamlet of.
Poplar District.	All Saints, Poplar. St. Mary, Stratford-le-Bow. St. Leonard, Bromley.
St. Saviour's District.	Christ Church. St. Saviour (including the Liberty of the Clink).

of the borough, whether held by the recorder or by justices, and as respects the city of London, means the court of the mayor and aldermen in the inner chamber :

The expression “parish” means a place for which a separate overseer is or can be appointed, and where part of a parish is situate within, and part of it without, any county, borough, urban sanitary district, or other area, means each such part :

The expressions “parliamentary county,” and “parliamentary election,” and “parliamentary voters,” have the same meaning as in the Registration Act, 1885, and the Acts therein referred to : 48 & 49 Vict.
c. 15.

The expression “secretary of state” means one of Her Majesty’s principal secretaries of state :

The expression “Treasury” means the Commissioners of Her Majesty’s Treasury :

PART II.

<i>Name of District.</i>	<i>Parishes.</i>
Plumstead District united with	Charlton next Woolwich. Plumstead. Eltham. Lee. Kidbrooke.
Lewisham District.	Lewisham, including Sydenham Chapelry. Hamlet of Penge.

PART III.

The Parish of Rotherhithe, united with St. Olave District.	St. Olave. St. Thomas, Southwark. St. John, Horsleydown.
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SCHEDULE (C).

The Close of the Collegiate Church of St. Peter.	Lincoln’s Inn. Gray’s Inn.
The Charter House.	Staple Inn.
Inner Temple.	Furnival’s Inn.
Middle Temple.	

See also the Metropolis Management Act, 1885 (48 & 49 Vict. c. 33), and the Metropolis Management (Battersea and Westminster) Act, 1887 (50 & 51 Vict. c. 17), in Appendix, *post*, p. 321.

Local Government (England and Wales) Act, 1888.

The expression "Bank of England" means the Governor and Company of the Bank of England :

The expression "existing" means existing at the time specified in the enactment in which the expression is used, and if no such time is expressed, then at the day appointed to be for the purpose of such enactment the appointed day :

4 & 5 W. 4,
c. 76.

The expression "guardians" means guardians elected under the Poor Law Amendment Act, 1834, and the Acts amending the same, and includes guardians or other bodies of persons performing under any local Act the like functions to guardians under the Poor Law Amendment Act, 1834 :

The expression "poor law union" means any parish or union of parishes for which there is a separate board of guardians :

The expressions "district council" and "county district" mean respectively any district council established for purposes of local government under an Act of any future session of Parliament, and the district under the management of such council, and until such council is established, mean respectively—

- (a) as regards the provisions of this Act relating to highways and main roads, a highway authority and highway area ; and
- (b) save as aforesaid, an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and the district of such authority :

38 & 39 Vict.
c. 55.

The expression "highway area," means, as the case may require, an urban sanitary district, a highway district, or a highway parish not included within any highway or urban sanitary district :

The expression "highway authority" means, as respects an urban sanitary district, the urban sanitary authority, and as respects a highway district, the highway board, or authority having the powers of a highway board, and as respects a highway parish, the surveyor or surveyors of highways or other officers performing similar duties :

The expression "urban authority" means, until the estab-

lishment of district councils as aforesaid, an urban sanitary authority; and after their establishment, the district council of an urban county district :

The expression "rural authority" means, until the establishment of district councils as aforesaid, a rural sanitary authority; and, after their establishment, the district council of a rural county district :

The expression "person" includes any body of persons, whether corporate or unincorporate :

Any expression referring to the value of any parish, borough, or area as ascertained by the standard or basis for the county rate or contributions shall, where any rateable value has been fixed by agreement between the councils of any county and county boroughs, be that value, and subject thereto shall, in the case of any parish, borough, or area for which there is no such standard or basis, refer to the total rateable value as determined by the last valuation lists, or if there is no valuation list, by the last poor rates for such parish or the parishes comprised in such borough or area; and where an area is authorized or directed by this Act to be assessed to any contributions or rates, the same shall, unless otherwise provided by law, be assessed according to the standard or basis for the county rate :

The expression "property" includes all property, real and personal; and all estates, interests, easements, and rights, whether equitable or legal, in, to, and out of property real and personal, including things in action, and registers, books, and documents; and when used in relation to any quarter sessions, clerk of the peace, justices, board, sanitary authority, or other authority, includes any property which on the appointed day belongs to, or is vested in, or held in trust for, or would but for this Act have, on or after that day, belonged to, or been vested in, or held in trust for, such quarter sessions, clerk of the peace, justices, board, sanitary authority, or other authority; and the expression "property" shall further include, in the case of the county of Chester, any surplus revenue of the River Weaver Trust, which is or would but for this Act be payable to the quarter sessions :

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The expression "powers" includes rights, jurisdiction, capacities, privileges, and immunities :

The expression "duties" includes responsibilities and obligations :

The expression "liabilities" includes liability to any proceeding for enforcing any duty or for punishing the breach of any duty, and includes all debts and liabilities to which any authority are or would but for this Act be liable or subject to, whether accrued due at the date of the transfer or subsequently accruing, and includes any obligation to carry or apply any money to any sinking fund or to any particular purpose :

The expression "powers, duties, and liabilities," includes all powers, duties, and liabilities conferred or imposed by or arising under any local and personal Act :

The expression "expenses" includes cost and charges :

The expression "costs" includes charges and expenses :

The costs of assizes and of quarter and petty sessions include such of the following costs as are applicable, that is to say, the costs of maintaining and providing the courts and offices and the judges' lodgings, the salaries and remuneration of a chairman of quarter sessions, clerks of assize, clerks of the peace, clerks of the justices, and other officers, the costs of the jury lists, the costs of rewards ordered to be paid by the court, the costs of prosecutions, including the costs of the defendant's witnesses, and all other costs incidental to the assizes, quarter sessions, petty sessions, or the judges, but nothing shall require a quarter sessions borough to contribute towards the costs of prosecutions at assizes except in the case of prisoners committed for trial from the borough :

The expression "assizes" includes the Central Criminal Court :

The expression "pension" includes any superannuation allowance, gratuity, or other payment made on the retirement of any officer :

The expression "office" includes any place, situation, or employment, and the expression "officer" shall be construed accordingly :

The expression "the divisions of Lincolnshire" means the

parts of Holland, the parts of Kesteven, and the parts of Lindsey :

The expression “County and Borough Police Act, 1856,” means the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter sixty-nine, intituled “An Act to render more effectual the police in counties and boroughs in England and Wales,” and the expression “County and Borough Police Acts” means the County and Borough Police Act, 1856, and the Acts therein recited :

19 & 20 Vict.
c. 69.

The expression “main road” when used in relation to the district of any highway or road authority, means so much of the main road as is situate within the district of such authority.

In relation to the election of county councillors, the day of nomination shall be deemed to be the day on which the names of the persons nominated are fixed on the Town Hall or other conspicuous place.

101. This Act shall not extend to Scotland or Ireland.

Extent of
Act.

102. This Act may be cited as the Local Government Act, 1888.

Short title.

PART VI.

TRANSITORY PROVISIONS.

First Election of County Councillors.

103.—(1.) The first election of county councillors under this Act shall be held in the month of January next after the passing of this Act on such day in each county not earlier than the fourteenth day of January as the returning officer for that county may fix, and the returning officer shall publish notice of such day in the preceding month of December, and the day so fixed shall be deemed for the purposes of the first election to be the ordinary day of election of county councillors.

First election
of county
councillors.

(2.) The sheriff of each county (*u*) shall be the returning

officer for such first election, but if the sheriff desires to be a candidate at such election the county quarter sessions on his application may appoint another person to be the returning officer, and the person so appointed shall, for the purpose of such election, have the powers and duties of the sheriff.

(u) See sub-s. (10), *post*, p. 133.

(3.) At the first election, the returning officer may, if it appears to him necessary, divide an electoral division into polling districts, so however that every polling district shall be an area or a combination of areas for which separate parts of the register of electors are made out, and he shall settle and give proper notice of the places at which the poll for each electoral division, or district of a division, shall be taken.

(4.) The clerk of the peace who will by virtue of this Act become the clerk of the county council when elected, shall make up the county register and division registers of the county electors for the purposes of the first election, and shall deliver the same to the returning officer, and every clerk of the peace who has in his custody any revised lists of electors required for making up such registers, shall supply to the above-mentioned clerk of the peace such number of copies of those lists as he may require for the purpose of making up the said registers.

(5.) The returning officer shall send to the clerk of the peace, who will by virtue of this Act become the clerk of the county council, the names of the persons elected, and shall send to each person elected a county councillor notice of his election, accompanied by a summons to attend the first meeting of the provisional council fixed by this Act at such time and place as the returning officer may fix.

(6.) The costs properly incurred by the returning officer in reference to the first election, and in reference to such first meeting of the provisional council, shall be defrayed as expenses of the county council, and may be taxed on an application made by or by direction of the provisional council.

(7.) In the administrative county of London, the returning officer for the first election shall be such fit person as the Local Government Board may appoint, and such returning officer shall, for the purposes of such election, have the powers and duties of the sheriff, and any sheriff, under-

sheriff, officer of the London School Board, or other public officer having authority in the Metropolis, and being in possession of any ballot boxes or other fittings or arrangements for an election shall permit such returning officer to use the same for the purposes of such first election.

(8.) Such returning officer shall make up the county register and division registers of the county electors for the purposes of the first elections, and shall make them up out of the lists of voters made out in the year One thousand eight hundred and eighty-eight for the City of London, and for such portions of the counties of Middlesex, Surrey, and Kent, as are comprised in the Metropolis, and shall make the necessary alteration in the forms of those lists, and the secondary of the City of London, and the town clerks within the meaning of the Registration Acts for the parliamentary boroughs in the administrative county of London, and the clerks of the peace of Middlesex, Surrey, and Kent, shall deliver to the said returning officer such number of copies of the revised lists of electors as he may require. The returning officer for the administrative county of London shall send the names of the persons elected to the clerk of the Metropolitan Board of Works.

(9.) The court of quarter sessions in any county, and the Metropolitan Board of Works in the Metropolis, shall advance to the returning officer such sum as is authorized by this Act to be advanced by county councils to returning officers for the purposes of an election.

(10.) The sheriff having authority in any administrative county, or the largest part thereof, shall for the purposes of this Act be deemed to be the sheriff of that county.

104.—(1.) The county councillors of a county council elected at the first election shall retire from office on the ordinary day of election in the third year after the passing of this Act, and their places shall be filled by election.

Retirement of
first county
councillors.

(2.) Of the first county aldermen one half shall retire on the ordinary day of election of county aldermen in the third year next after the passing of this Act, and the one half who are so to retire shall be determined by ballot by the provisional councillors at the time of the election of the county

aldermen: Provided that where the total number of aldermen is not divisible by two the larger half shall first retire.

(3.) The remaining half of the county aldermen shall retire on the ordinary day of election of county aldermen in the sixth year next after the passing of this Act.

(4.) In this section the word "year" shall be construed to mean calendar year.

Preliminary
action of
county
councillors as
provisional
council.

105.—(1.) The members of a county council first elected under this Act shall not enter on their ordinary duties or become the county council until the first day of April next after their election, or such other day as on the application of the provisional council the Local Government Board may appoint.

(2.) Such members shall, on the second Thursday next after the day fixed for the first election, and thenceforward from time to time until the day above mentioned in this section, meet and act as a provisional council for arranging to bring this Act into operation.

(3.) The provisional councillors shall at their first meeting elect one of their number to be chairman of that meeting and of the second meeting, and shall then at that meeting, or some adjournment thereof, proceed to elect the county aldermen in like manner as if they were a fully constituted county council, and such county aldermen shall be summoned to attend at the second meeting of the provisional council, and shall form part of the provisional council both for the election of chairman and all other purposes.

(4.) The provisional council shall, at their second meeting, or some adjournment thereof, proceed to elect as their chairman a person qualified to be chairman of the county council, and may from time to time fill any vacancy in the office of such chairman, and the person elected chairman shall be chairman of the provisional council, and also on and after the appointed day of the county council, and the term of office of such chairman shall end on the next ordinary day of election of chairman.

(5.) This enactment shall extend to the vice-chairman and deputy chairman.

106.—(1.) The provisional council after disposing of the preliminary business shall proceed to provide for bringing the various provisions of this Act into full operation on the appointed day or days, and to make the necessary arrangements with the quarter sessions, and with reference to the distribution of duties among the different officers, and to provide for all matters which appear necessary or proper for enabling the county council as constituted under this Act to execute their duties, and for giving full effect to this Act.

First proceedings of provisional council.

(2.) The provisions of this Act, and the enactments applied by this Act with respect to the proceedings of the county council, shall apply to the proceedings of the provisional council, and any act of the provisional council may be signified under the hand of the chairman and any two members of the council present at the meeting, and countersigned by the officer acting as their clerk.

(3.) The provisional council of a county shall be entitled to use the buildings belonging to the quarter sessions of that county, so that they do not interfere with the holding of any court, and the clerk of the peace and his officers, and the officers of the quarter sessions shall, if required, act as the officers of such provisional council and further the provisional council may from time to time hire such buildings and appoint such interim officers as appear to them necessary for the performance of their duties, and the costs incurred in the hiring of such buildings and payment of such officers or otherwise in the performance of their duties shall be defrayed as costs properly incurred by the county council.

(4.) There shall be paid out of the county rate to the clerk of the peace of the county, such reasonable remuneration as the court of quarter sessions may award for extra services rendered by him in bringing this Act into operation, and in acting as clerk of the county council, until his salary for acting as such clerk is fixed in manner provided by this Act.

(5.) In the metropolis the foregoing provisions with respect to the use of buildings and the action of officers shall apply as if the Metropolitan Board of Works were the quarter sessions of the county, and as if any quarter sessions for the counties of Middlesex and Surrey were the quarter sessions of the county of London, but the provisional council for the

Local Government (England and Wales) Act, 1888.

administrative county of London shall make arrangements with the provisional councils of Middlesex and Surrey as respects the use of buildings and the employment of the clerk of the peace and his officers and the officers of the quarter sessions.

(6.) The provisional council shall have the same power of levying contributions for the purpose of their costs and for the future costs of the county council as they would have if they were constituted a county council under this Act.

(7.) The quarter sessions of every county and liberty, and in the metropolis the Metropolitan Board of Works, shall, by the appointment of committees, or the holding of sessions and meetings, and otherwise, make such provisions as are necessary or proper for making arrangements with the provisional council for carrying this Act into effect; and the quarter sessions may, after the appointed day, meet in like manner as if this Act had not passed, for the purpose of receiving reports from the committees and county officers for the period subsequent to the last quarter sessions and prior to the appointed day, and for making the ordinary quarterly payments, the usual sessional orders, and otherwise concluding and winding up the business of the county.

General Provision as to First Elections.

Casual vacancies at first elections.

107.—(1.) If at the first election a person is elected a county councillor for more than one electoral division of a county his choice as to the division for which he will serve shall be made by writing addressed to the returning officer, and if not so made, the returning officer shall, on or before the day for the first meeting of the provisional council, determine the division for which such person shall sit.

(2.) Any casual vacancy arising at the first election from a person being elected for more than one electoral division or being elected a county alderman or from a failure of election or otherwise, may be filled in like manner as a casual vacancy in the county council may be filled, and the sheriff or other officer authorised to act as returning officer at the first election shall be the returning officer at any election held to fill a casual vacancy before the appointed day.

(3.) Such number of members as have been elected for a county council at the first election shall subject to any order of the Local Government Board to the contrary under this Act proceed to act as a provisional council under this Act, notwithstanding any vacancy or vacancies arising from failure of election or otherwise.

(4.) In case of equality of votes at the first or second meeting of a provisional county council, the chairman of the meeting shall have a second or casting vote, and where on the selection of the chairman of the meeting an equal number of votes is given to two or more persons, the meeting shall determine by lot which of those persons shall be the chairman.

(5.) The first meeting of the county council shall be held on the day appointed for the council coming into office, and shall be convened by the chairman of the provisional county council.

(6.) Such first meeting, and also the first meeting of the provisional county council, shall be convened in like manner as meetings of the county council are required by this Act, and the enactments applied by this Act, to be convened, and as if the person convening the same were the chairman.

108.—(1.) If from any cause there is no returning officer able to act in any county at the first election of a county council, or no register of electors properly made up, or no proper election takes place, or an election of an insufficient number of persons takes place, or any difficulty arises as respects the holding of the first election of county councillors, or as to the first meeting of a provisional council, the Local Government Board may by order appoint a returning officer or other officer, and do any matter or thing which appears to them necessary for the proper holding of the first election, and for the proper holding of the first meeting of the provisional council, and may, if it appears to them necessary, direct a new election to be held, and fix the dates requisite for such new election. Any such order may modify the provisions of this Act and the enactments applied by this Act so far as may appear to the board necessary for the proper

Power of
Local Govern-
ment Board
to remedy
defects.

holding of the first election and first meeting of the provisional council.

(2.) The Local Government Board in the case of the first election may also authorise an electoral division to return two or more members, in any case where the difficulties arising out of the registers of voters and the population of any area appear to render it necessary, and may also authorise portions of two or more county districts, or wards for which a separate register can be made, to be united for the purpose of an electoral division.

(3.) The Local Government Board, on the application of a county council or provisional council, may within six months after the day fixed for the first election of the councillors of such council, from time to time, make such orders as appear to them necessary for bringing this Act into full operation as respects the council so applying, and such orders may modify any enactment in this or any other Act, whether general or local and personal, so far as may appear to the board necessary for the said purpose.

(4.) The Local Government Board may also, if satisfied that an election cannot properly be held for any county council by reason of the electoral divisions not having been duly made, cause such steps to be taken as they consider necessary for constituting such electoral divisions and making up the registers of electors.

Appointed Day.

Appointed
day.

109.—(1.) Subject as in this Act mentioned, the appointed day for the purposes of this Act shall in each county be the first day of April next after the passing thereof, or such other day, earlier or later, as the Local Government Board (but after the election of county councillors for such county on the application of the provisional council or county council) may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections or for different counties.

(2.) Any enactment of this Act authorizing anything to be

done by the Commissioners of Inland Revenue or the Local Government Board, or relating to the registration of electors, or to the elections, or to any matter required to be done for the purpose of bringing this Act into operation on the appointed day, shall come into effect on the passing of this Act; but, save as aforesaid, and save so far as there may be anything in the context inconsistent therewith, any enactment of this Act shall come into operation on the appointed day.

Transitional Proceedings.

110.—(1.) Every rate and precept for contributions made before the appointed day may be levied and collected, and proceedings for the enforcement thereof taken in like manner as nearly as may be as if this Act had not passed. Current rates, jury lists, &c.

(2.) The accounts of all receipts and expenditure before the appointed day shall be audited, and disallowances, surcharges, and penalties recovered and enforced, and other consequential proceedings had in like manner as nearly as may be as if this Act had not passed, and every officer whose duty it is to make up any accounts, or to account for any portion of the receipts or expenditure in any account, shall, until the audit is completed, be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts, and be subject to the same liabilities as before the appointed day.

(3.) In the counties of Middlesex, Kent, and Surrey, the lists of jurors in force on the appointed day shall continue in force until the lists which are next made come into force, and all jurors summoned before the appointed day shall attend after that day as if summoned in accordance with this Act.

(4.) All proceedings, legal and other, commenced before the appointed day, may be carried on in like manner, as nearly as may be, as if this Act had not passed, and may be so carried on by the county council in substitution for the authorities by whom such proceedings were commenced. Every legal proceeding commenced before the appointed day may be amended in such manner as may appear necessary or proper in order to bring the same into conformity with the provisions of this Act.

Local Government (England and Wales) Act, 1888.

(5.) Every militiaman enlisted before the appointed day shall continue liable to serve in the same corps as if this Act had not passed.

Transitory provisions as to lunatic asylums.

111.—(1.) Any committee for providing an asylum for pauper lunatics, or any committee of visitors of an asylum for pauper lunatics holding office on the day fixed for the first election of county councillors under this Act, shall continue to hold office until the expiration of one week after the county council have elected a committee for the like purposes and no longer.

(2.) Any committee elected by the county council shall come into office at the expiration of the said week, and shall be deemed to be a continuance of the old committee of visitors elected by the quarter sessions.

(3.) All visitors of an asylum appointed on behalf of a borough or subscribers who are visitors at the date of the first election of the county council under this Act shall continue to be such visitors until the annual election of visitors which happens next after such election.

(4.) Anything done in pursuance of the enactments relating to pauper lunatics by the quarter sessions or any committee thereof before the appointment of any committee by the county council shall have effect as if it had been done by the county council or by a committee elected by the county council.

(5.) Where there is a joint committee of visitors for two or more counties or boroughs, this section shall apply to each portion of the committee appointed by the justices of any such county, or by the justices or council of any such borough, in like manner as if it were a separate committee.

Transitory provisions as to Contagious Diseases (Animals) Acts.

112.—(1.) Every executive committee appointed by the quarter sessions under the Contagious Diseases (Animals) Acts (*u*), and holding office on the appointed day, shall continue to hold office until the expiration of one week after the county council shall have appointed a committee for the like purpose, and no longer.

(*u*) See Local and Municipal Government, pp. 729, 1477.

(2.) An executive committee appointed by the county

council shall come into office at the expiration of the said week, and shall be deemed to be a continuance of the outgoing executive committee.

(3.) Every sub-committee of an executive committee under the said Acts holding office on the appointed day shall continue in office until a sub-committee for the like purposes shall be appointed by the county council, or by the executive committee appointed by the county council.

(4.) Every committee and sub-committee continued in office by virtue of this section shall, during such continuance, have all such powers as it would have had if this Act had not been passed.

Transitory Provisions as to Metropolis.

113.—(1.) The first sheriffs appointed by her Majesty for the county of Middlesex and for the county of London may be nominated and appointed at the same time as the sheriff of any other county in England, and each of such sheriffs when appointed may make the declaration, and shall enter upon office, in like manner and at the like time as any other sheriff.

Transitory provision as to sheriffs of London and Middlesex.

(2.) Upon the first sheriff of Middlesex so entering into office, the sheriffs of London shall cease to have jurisdiction in the county of Middlesex.

(3.) Upon the first sheriff of the county of London so entering into office, the area which will become that county shall, for the purpose of the sheriff, be considered to be the county of London, and the sheriffs of the City of London shall cease to have any jurisdiction in the said area, and the sheriffs of Surrey and Kent shall cease to have any jurisdiction within the said area.

(4.) Provided that for the purpose of any sessions of the peace held by the justices of the counties of Middlesex, Surrey, and Kent, after the sheriff has so entered into office but prior to the date at which the justices of the county of London will come into office, the sheriffs of Middlesex, Surrey, and Kent shall continue to act and have jurisdiction as such sheriffs throughout those portions of the Metropolis which originally formed part of those counties.

Local Government (England and Wales) Act, 1888.

(5.) Lists of prisoners, writs, process, and particulars, and all records, jury lists, books, and matters appertaining to the county of Middlesex, and to such parts of the counties of Surrey and Kent as are included in the Metropolis, shall be delivered, turned over, transferred, and signed in like manner in all respects, so nearly as circumstances admit, as is required to be done upon a new sheriff coming into office, in like manner as if the sheriff of Middlesex appointed by her Majesty were as respects such part of the county as will after the appointed day be the county of Middlesex, the new sheriff in succession to the sheriffs of London, and as if the sheriff of the county of London appointed by her Majesty were, as respects the area of the Metropolis exclusive of the City, the successor to the sheriffs of London, Surrey, and Kent.

(6.) If any question arises as to the delivery, turning over, transfer, or signature under this section, or any other matter relating to the change in the office of sheriff in the Metropolis, such question shall be referred to the Lord High Chancellor, whose decision shall be final.

As to existing coroners for Middlesex, Surrey, and Kent.

114.—(1.) The persons who at the passing of this Act are coroners for any districts which become wholly or partly by virtue of this Act part of the county of London, shall continue to act for such districts until otherwise directed as hereinafter mentioned, and while so continuing to act shall, as respects such part of their districts as is within the county of London, be deemed to be coroners for the county of London, and the amount payable in respect of the salaries, fees, and expenses of any such coroner, where the district is partly within and partly without the county of London, shall be apportioned between the counties in which such district is situate.

(2.) In the case of any coroner's district being situate partly within and partly without the county of London, the county councils of the counties in which such district is situate shall arrange for the alteration in manner provided by law of the district, so that on the next avoidance of the office of coroner, or any earlier date fixed when the alteration is made, the coroners districts shall not be situate in more than one county.

(3.) For the purposes of this Act respecting compensation, the coroners shall be deemed to be officers of the quarter sessions of the county for which they are coroners.

115.—(1.) A commission of the peace for the county of London may be issued at any time after the passing of this Act, which shall be provisional until the appointed day, and the justices acting under such commission shall until the appointed day act provisionally for the purpose of bringing this Act into operation, and may from time to time be convened, and meet and conduct their proceedings in like manner in all respects as if they were the justices of a county, and they shall proceed to make such arrangements as appear necessary or proper for bringing this Act into operation, and may for that purpose appoint any committee or committees, either alone or jointly with any quarter sessions or provisional council.

As to commission of the peace for London.

(2.) Nothing in this section shall confer on such justices any power to act as justices or as quarter sessions, nor any judicial jurisdiction, nor constitute any part of the Metropolis a county for the purposes of justices and quarter sessions until the appointed day.

(3.) Any sessions of the peace held after the appointed day may be convened by the said justices acting provisionally before the said day, and the first sessions of the peace held after the appointed day shall be deemed to be legally held, although no justice there present has taken the oaths required by law to be taken by justices of the peace, and any justice may nevertheless take the oaths at such sessions.

(4.) The clerk of the peace for Middlesex holding office at the passing of this Act shall act as the clerk to the said justices for the county of London when acting provisionally in pursuance of this Act.

(5.) The fees payable to the clerk of the peace and clerks of the justices, and other officers and authorities in Middlesex, at the passing of this Act, shall be the first fees which may be taken in the county of London by the clerk of the peace, the clerks to the justices, and other officers and authorities in the county of London, and may continue to be taken until they

are abolished or altered in manner provided by law with respect to the abolition and alteration of such fees.

As to places
for holding
quarter
sessions.

116. Until a scheme respecting the holding of courts of quarter sessions in the county of London comes into force, the following regulations shall be observed :—

- (a) Courts of quarter sessions for the trial of persons charged with offences shall be held at Clerkenwell and Newington, and courts of quarter sessions for appeals and other business shall be held at the places in London at which sessions are usually held at present, or at such of the said places as the county council may from time to time appoint; and courts of quarter sessions for the said purposes shall be respectively held at the same times, as nearly as may be, at each such place as heretofore;
- (b) Cases triable at quarter sessions for the county of London shall (save as otherwise directed by the court of quarter sessions) be heard and determined, if they arose on the north side of the River Thames, at Clerkenwell; and if they arose on the south side of the River Thames, at Newington; and persons shall be committed for trial, and bail and recognizances shall be taken, and depositions, recognizances, documents, and things transmitted in such manner as appears necessary for carrying into effect this section, but a committal for trial or recognizance shall not be invalidated, nor shall the powers of the quarter sessions be affected by any disregard of this enactment, and every court of quarter sessions held in and for the county of London at whatever place such court is held shall have complete power to hear and determine any case arising in the county of London, notwithstanding an objection that the case ought to be heard and determined at the sessions held at another place in the county of London;
- (c) Every sessions shall, as the circumstances require, be deemed to be quarter or general sessions, and if held at different places to be original sessions or adjourned

sessions, and if held simultaneously at two or more places to be divided courts of the same sessions;

- (d) Every matter, civil or criminal, arising before the appointed day which would have been heard, tried, determined, or otherwise dealt with by any court of quarter sessions or assessment sessions, or any justices or otherwise, may be heard, tried, determined, and dealt with in like manner as if this Act had come into operation before the said matter arose, and recognizances existing at the appointed day shall have effect and be enforced in like manner, so nearly as circumstances admit, as they would have been if this Act had not passed; and where any trial, motion, or other matter has been adjourned from any previous court of quarter sessions, assessment sessions, special sessions, or petty sessions, and would if this Act had previously come into operation have been heard, determined, or otherwise dealt with at sessions held under this Act, the same shall be heard and determined and otherwise dealt with at the sessions held under this Act in like manner as if the same were held by the same justices by whom the same would have been held if this Act had not passed.

117.—(1.) Nothing in this Act shall prevent a person who is an existing justice of the peace for any of the counties of Middlesex, Surrey, or Kent, from continuing to be a justice of the peace for that county, and every such person and also every person who at the appointed day is a justice of the peace for the liberty and city of Westminster, the liberty of the Tower of London, or any liberty which by virtue of this Act becomes part of the county of London, shall, if and so long as he is resident or occupies property in the county of London, be a justice of the peace for that county in like manner as if he were assigned by a commission of the peace, but a person shall not after the passing of this Act be named in any commission as a justice of the peace for any liberty which by virtue of this Act becomes part of the county of London.

As to existing justices in Metropolis.

Local Government (England and Wales) Act, 1888.

(2.) Provided always, that the provisions of this section shall not apply to any justice of the peace of the counties of Surrey, Kent, or Middlesex, or either of them, so long as he shall hold any office connected with any court of quarter sessions of the county of London.

(3.) The persons who at the passing of this Act are members of a visiting committee of any prison situate in the county of London shall continue to form such visiting committee until a new visiting committee has been appointed in accordance with a rule of the Secretary of State.

(4.) Where a person is a justice of the peace in and for the county of London by reason of his being personally declared by this Act to be a justice of the peace in and for the county of London, the Lord High Chancellor shall have the same power of removing such person from being a justice of the peace as if he were named in a commission of the peace.

(5.) The existing assistant judge of the court of the sessions of the peace for the county of Middlesex shall cease to be chairman of that court, and shall be the first chairman of the court of quarter sessions of the county of London, and while he holds his office he shall receive such salary, not less than what he has hitherto received, as her Majesty, on the petition of the county council, may assign, and the enactments respecting the appointment and payment of a deputy assistant judge or of a person to preside at a second court at any sessions in the county of Middlesex shall apply to the county of London, and upon the said assistant judge ceasing to hold office shall be repealed.

(6.) Nothing in this Act shall affect existing deputy lieutenants appointed by the Constable of the Tower of London as Lord Lieutenant of the Tower Hamlets.

Existing Officers.

Existing
clerks of the
peace and
other officers.

118.—(1.) A person holding office at the appointed day as clerk of the peace of a county, besides continuing to be such clerk of the peace shall, subject to the provisions respecting certain counties in this Act mentioned, become the clerk of the county council, and if appointed before the passing of

this Act shall, notwithstanding anything in this Act, hold his offices by the same tenure and have the same power of appointing and acting by a deputy as heretofore in his capacity of clerk of the peace.

(2.) A person holding office at the passing of this Act as clerk of the peace, clerk of the general assessment sessions, or salaried clerk of a petty sessional division, shall be deemed to be an existing officer within the meaning of the provisions of this Act relating to compensation to existing officers who suffer pecuniary loss.

(3.) The person who at the appointed day is clerk of the peace for Sussex, if he held office at the passing of this Act, shall be clerk of the peace for East Sussex and clerk of the peace for West Sussex, and clerk of the peace for the justices of Sussex in general sessions assembled.

(4.) Such person shall also be clerk of the county council for East Sussex, and clerk of the county council for West Sussex, and shall, notwithstanding anything in this Act, hold his offices by the same tenure and have the same power of appointing and acting by a deputy as heretofore in his capacity of clerk of the peace.

(5.) The person who at the appointed day is clerk of the peace for Suffolk, if he held office at the passing of this Act, shall be clerk of the peace for East Suffolk and clerk of the peace for West Suffolk, and clerk of the peace for the justices of Suffolk in general sessions assembled.

(6.) Such person shall also be clerk of the county council for East Suffolk and clerk of the county council for West Suffolk; and shall, notwithstanding anything in this Act, hold his offices by the same tenure and have the same power of appointing and acting by a deputy as heretofore.

(7.) This section shall apply to the persons holding office at the appointed day as clerk of the peace and deputy clerks of the peace for the county of Lancaster, in like manner as it applies to clerks of the peace of other counties.

(8.) The person who, at the appointed day, is clerk of the peace for Middlesex, if he held office at the passing of this Act, shall continue to be that clerk, and, subject to the provisions of this Act, shall also be the first clerk of the peace for the county of London, and shall, notwithstanding any-

thing in this Act, hold the office of clerk of the peace for each of the said counties by the same tenure and have the same power of appointing and acting by a deputy as heretofore.

(9.) The person who, at the appointed day, is the clerk of the gaol sessions in Yorkshire or Lincolnshire shall, if he holds office at the passing of this Act, continue to be that clerk, and shall also be the first clerk of the joint committee for the county councils of the three ridings or divisions of those counties, and shall hold that office by the same tenure and have the same power (if any) of acting by a deputy as heretofore.

(10.) If the person who at the appointed day is clerk of the peace for Surrey held office at the passing of this Act, then so long as he holds that office,—

(a) He shall, besides continuing to be that clerk, continue to be clerk of the peace at any quarter sessions held for the county of London at Newington, and be, for the purpose of all business transacted at those quarter sessions, deemed to be the clerk of the peace for the county of London, and as such shall have the same power of appointing and acting by a deputy as heretofore in his capacity of clerk of the peace for Surrey; and

(b) Such of the records of the county of Surrey as at the passing of this Act are in his custody at Newington, and, if this Act had not passed, would have remained in that custody, shall, subject to any order of the court of quarter sessions, continue to be kept in his custody at Newington.

(11.) The persons who at the appointed day are salaried clerks for the petty sessional divisions, wholly or in part in the county of London shall, if appointed before the passing of this Act, be as to so much of such divisions as are in the county of London, the first salaried clerks of the petty sessional divisions of the county of London, and as to so much of such divisions as are not in the county of London, such persons shall also be the first salaried clerks of the petty sessional divisions of the counties in which such parts are situate.

(12.) In the case of any of the following persons who, by virtue of this Act, become clerk of the peace for the county of

London or salaried clerks of petty sessional divisions for the county of London, or who, for the purpose of all business transacted at the quarter sessions, held for the county of London at Newington, is to be deemed to be the clerk of the peace for the county of London, or who become clerk of the peace for East Sussex and clerk of the peace for West Sussex, or clerk of the peace for East Suffolk, and clerk of the peace for West Suffolk, their services as such clerks after the appointed day in the county of London, or in the administrative counties of East Sussex and West Sussex, or East Suffolk and West Suffolk, respectively, shall be deemed to be a continuous service with their service as clerks of the peace and clerks of petty sessional divisions in the counties of Middlesex, Surrey, and Kent respectively, and clerk of the peace for Sussex and Suffolk respectively.

(13.) All persons who at the appointed day hold office as county treasurer, county auditor, county solicitor, or county surveyor, or are officers (whether inspectors of weights and measures, public analysts, inspectors of petroleum or explosives, or other) of the quarter sessions or justices of the county, or of the assessment sessions in the Metropolis, or any committee of such justices or any committee of visitors for lunatic asylums, or are servants under such sessions or justices and perform any duties in respect of the business transferred by or in pursuance of this Act to the county council, shall become the officers and servants of the county council.

(14.) All persons who at the appointed day are officers and servants of the Metropolitan Board of Works shall become the officers and servants of the London county council.

(15.) Every person who, on the appointed day, is the chief or other constable of the police force of any county, or is an officer or servant employed in connexion with that force, shall, after the said day, be chief or other constable of the police force of the same county under the standing joint committee appointed in pursuance of this Act, or be an officer or servant of a county council appointing a portion of such joint committee, as the case may be.

(16.) Where any constable at the appointed day belongs to the police force of any borough the council of which will by virtue of this Act cease to maintain a separate police force,

such constable shall, after the said day, become a constable of the county police force, and the provisions of this Act with respect to officers of any authority who become officers of the county council shall apply to such constable, with the substitution of the standing joint committee for the county council.

As to officers transferred to county councils.

119.—(1.) The officers and servants of the quarter sessions or general assessment sessions, or justices, or any committee of such sessions or justices, or of any committee of visitors for lunatic asylums, or of the Metropolitan Board of Works, or other authority, who held office at the passing of this Act, and who by virtue of this Act become officers and servants of a county council (in this Act referred to as existing officers), shall hold their offices by the same tenure and upon the same terms and conditions as if this Act had not passed, and while performing the same duties, shall receive not less salaries or remuneration, and be entitled to not less pensions (if any), than they would have if this Act had not passed (*v*), and where any such officer can only be removed with the consent of a Secretary of State or the Local Government Board, such consent shall be part of the tenure of his office.

(*v*) 29 & 30 Vict. c. 31, provides for the superannuation allowances to be paid to the officers of the Metropolitan Board of Works. As to the meaning of the word "pension," see sect. 100, *ante*.

(2.) The county council may distribute the business to be performed by existing officers in such manner as the council may think just, and every existing officer shall perform such duties in relation to that business as may be directed by the council.

(3.) The county council may abolish the office of any existing officer whose office they may deem unnecessary, but such officer shall be entitled to compensation under this Act.

(4.) The provisions of this section shall apply to the chief and other constables of any police force, and to any officers employed in connexion with such force, in like manner as if they were herein re-enacted with the substitution of the standing joint committee under this Act for the county council.

120.—(1.) Every existing officer declared by this Act to be entitled to compensation, and every other existing officer, whether before mentioned in this Act or not, who by virtue of this Act, or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to have compensation paid to him for such pecuniary loss by the county council, to whom the powers of the authority, whose officer he was, are transferred under this Act, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office.

(2.) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief.

^{5 & 6 Will. 4,}
^{c. 62.}

(3.) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

(4.) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of compensation assessed, or if not less than one third of the members of such council subscribe a protest against the amount of the compensation as being excessive, the claimant or any

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subscriber to such protest (as the case may be) may, within three months after the decision of the council, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount ought to be granted to the claimant, and such determination shall be final.

(5.) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which any justice present may administer, all questions asked by any member of the council touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

(6.) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council on granting the compensation, or, in case of appeal, by the Treasury, and shall be a specialty debt due to him from the county council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the same.

(7.) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

(8.) All expenses incurred by a county council in pursuance of this section shall be paid out of the county fund, as a payment for general county purposes.

Temporary Provision as to Grant from Exchequer.

Grant and application of part of probate duty and of horse and

121.—(1.) In the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine the Commissioners of Inland Revenue shall from time to time,

wheel tax
during the
year ending
31st March
1889.

in such manner and under such regulations as the Treasury from time to time make, pay into the Bank of England to the Local Taxation Account—

- (a) such sum as may be ascertained in manner provided by the said regulations to be four fifth parts of one third (*v*) of the proceeds of the sums collected by them in the said year in respect of the probate duties, and for the purpose of this section, the expression “probate duties” means the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England, Wales, or Ireland, and on the inventory exhibited and recorded in Scotland, and the stamp duties charged on such accounts of personal and movable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881 (*w*), and includes the proceeds of all penalties and forfeitures recovered in relation to such stamp duties; and
- (b) such sum as may be ascertained in manner provided by the regulations to be the proceeds of the sums collected by them in the said year in respect of the duties on licences for trade carts, locomotives, horses, mules, and horse dealers under any Act of the present session (*v*).

(*v*) As to this grant in subsequent years, see sect. 21, *ante*, p. 29.

(*w*) 44 & 45 Vict. c. 12. The section is as follows:—

“(1.) Stamp duties at the like rates as are by this Act charged on affidavits and inventories shall be charged and paid on accounts delivered of the personal or moveable property to be included therein according to the value thereof.

“(2.) The personal or moveable property to be included in an account shall be property of the following descriptions, viz.—

“(a) Any property taken as a donatio mortis causâ made by any person dying on or after the first day of June, one thousand eight hundred and eighty-one, or taken under a voluntary disposition, made by any person so dying, purporting to operate as an immediate gift *inter vivos* whether by way of transfer, delivery, declaration of trust or otherwise, which shall not have been *bonâ fide* made three months before the death of the deceased.

“(b) Any property which a person dying on or after such day having been absolutely entitled thereto, has voluntarily caused or may voluntarily cause to be transferred to or vested

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in himself and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein or in some part thereof passes or accrues by survivorship on his death to such other person.

“(c) Any property passing under any past or future voluntary settlement made by any person dying on or after such day by deed or any other instrument not taking effect as a will, whereby an interest in such property for life or any other period determinable by reference to death is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right, by the exercise of any power, to restore to himself, or to reclaim the absolute interest in such property.

“(3.) Where an account delivered duly stamped comprises property passing under a voluntary settlement, and, upon the production of the settlement, it shall appear that the stamp duty of five shillings per centum has been paid thereon according to the amount or value of the property so passing, or any part thereof, the amount of such stamp duty shall be returned to the person delivering the account.”

(2.) The sums so paid shall be distributed by the Local Government Board as follows, that is to say,

(i) in paying to every county, highway, and other local authority who have heretofore received out of moneys provided by Parliament a contribution to the cost of roads, or to the successors of such authority, sums calculated in like manner and according to the like scale and regulations as in the financial year ending on the thirty-first day of March one thousand eight hundred and eighty-eight (*x*);

(*x*) See Financial Statement, *post*, p. 261.

(ii) if the amount received by the local taxation account from the duties on licences for trade carts, locomotives, horses, mules and horse dealers under any Act of the present Session, exceeds the sum so payable to county and highway or other local authorities, the excess shall be divided between the metropolis and quarter sessions boroughs, in proportion to their rateable value, as ascertained by the valuation lists, or where there is no valuation list by the last poor rate;

- (iii) the share of the excess distributed to the metropolis shall be divided between the Commissioners of Sewers in the city of London and the vestries and district boards in the parishes in Schedule A and the districts in Schedule B to the Metropolis Management Act, 1855, as amended by subsequent Acts, according to rateable value as ascertained by the last valuation lists, and the share distributed to quarter sessions boroughs shall be paid to the councils of such boroughs ;
- (iv) if any payment is made under the foregoing provisions of this section respecting roads to the council of any quarter sessions borough, or to any authority for a highway area wholly or partly situate in such borough, or to the highway authority of any parish or district in the metropolis, the share of such quarter sessions borough, parish, or district in the distribution of the balance shall be reduced by the amount of the said payment, and, if less than that amount, shall not be paid, and any sum arising from such reduction or non-payment shall be added to the balance and distributed accordingly ;
- (v) any sum payable in pursuance of this section to a county authority or the council of any borough, not being a highway authority, shall be paid to the county or borough fund as the case may be, but any other sum payable under the provisions of this section respecting roads, or respecting the division of the excess to any highway authority, commissioners of sewers, vestry, or district board, shall be applied in aid of the costs of the roads maintained by such authority, commissioners, vestry, or board ;
- (vi) any balance remaining after the above payments shall be divided among the counties in England and Wales, in accordance with the provisions of this Act with respect to the division of the probate duty grant, and for the purpose of such division the metropolis shall be deemed to be a county, and the share assigned to each county on such division shall be applied towards paying to the guardians of

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each poor law union wholly or partly situate in the county such sum as is directed by this Act to be annually paid by the county council of such county to such guardians ;

- (vii) any balance remaining after the payment to the guardians of such union shall be paid to the county council of the county upon its coming into office, and, if there is any county borough in the county, the sum so paid shall be included in the adjustment under this Act between the councils of the county and borough.

(3.) Every local authority shall produce to the Local Government Board such evidence and comply with such rules as the Board may require or make for the purpose of effecting the distribution under this section.

(4.) A certificate of the Local Government Board of the sum due to any authority under this section may be varied by that Board, but unless so varied shall be final.

(5.) The Treasury may, from time to time during the financial year ending on the thirty-first day of March next after the passing of this Act, issue out of the Consolidated Fund or the growing produce thereof and pay to the Local Taxation Account such sums as appear to them to be required for the purpose of paying the highway authorities and county authorities such sums in respect of main roads as have been paid to them in previous years out of moneys provided by Parliament (*y*) ; and the sums so issued shall be treated as an advance, and shall be repaid to the Consolidated Fund out of the Local Taxation Account before any balance is distributed in manner provided by this section.

(*y*) See Financial Statement, *post*, p. 280.

Savings.

Saving for existing securities and discharge of debts.

122.—(1.) Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of any rate or of any property by this Act transferred to a county council ; and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by any

authority in the exercise of any powers or in relation to any property transferred from them to the county council under this Act shall be discharged, paid, and satisfied by such council.

(2.) Where for the purpose of satisfying any such security or any debt or liability, it is necessary to continue the levy of any rate or the exercise of any power which would have existed but for the provisions of this Act, such rate may continue to be levied and power to be exercised either by the authority who otherwise would have levied or exercised the same or by the county council as the case may require.

(3.) It shall be the duty of every authority whose powers, duties, and liabilities are transferred to any council by this Act to liquidate so far as practicable before the appointed day all current debts and liabilities incurred by such authority.

123. All such byelaws, orders, and regulations of the Privy Council, Secretary of State, Board of Trade, Local Government Board, or Government department, or of any quarter sessions, council of a borough, the Metropolitan Board of Works, or other authority, whose powers and duties are transferred by or in pursuance of this Act to any county council, as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred, continue in force as if they had been made by such council, subject, nevertheless, to revocation or alteration by such council in the manner in which byelaws can be made by such council, and also to any exceptions or modifications which may be made at the time of the transfer.

Saving for
existing
byelaws.

124.—(1.) If at the date of the transfer in this section mentioned any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any authority in relation to any powers, duties, liabilities, or property by this Act transferred to the county council, the same shall not be in anywise prejudicially affected by reason of the passing of this Act, but may be continued, prosecuted, and enforced by or against such council as successors of the said authority in like manner as if this Act had not been passed.

Saving for
pending
actions,
contracts, &c.

Local Government (England and Wales) Act, 1888.

(2.) All contracts, deeds, bonds, agreements, and other instruments entered into or made and subsisting at the time of the transfer in this section mentioned, and affecting any such powers, duties, liabilities, or property of any authority as are by this Act transferred to a county council, shall be of as full force and effect against or in favour of the council, and may be enforced as fully and effectually, as if, instead of the authority, the said council had been a party thereto.

(3.) All contracts or agreements which prior to the appointed day have been made by the clerk of the peace or any justice or justices or otherwise on behalf of a county, or any division or part of a county, shall have effect as if the council of that county had been named therein instead of the clerk of the peace or such justice or justices, and may be enforced by or against the county council accordingly.

(4.) This section shall apply in the case of a committee of any authority in like manner as if the committee were such authority, and the committee of a county council were that council, and as if contracts and agreements by any such committee appointed by quarter sessions were contracts and agreements on behalf of a county.

Saving for
charters,
local Acts,
&c.

125. Save so far as may be necessary to give effect to this Act or any scheme or order or other thing made or done thereunder nothing in this Act shall prejudicially alter or affect the powers, rights, privileges, or immunities of any municipal corporation, or the operation of any municipal charter, local Act of Parliament, or order confirmed by Parliament, which immediately before the passing of this Act was in force.

Repeals.

Repeal of
Acts.

126. All enactments inconsistent with this Act are hereby repealed; Provided that—

(1.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment in this Act:

(2.) This repeal shall not affect—

(a) The past operation of any enactment hereby

repealed, nor anything duly done or suffered under any enactment hereby repealed ; or

(b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under or in accordance with any enactment hereby repealed ; or

(c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or

(d) Any power, investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; and any such power, investigation, legal proceeding, and remedy may be exercised and carried on as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

Section 20.

Local Taxation Licences.

Licences for the sale of intoxicating liquor for consumption on the premises ;

Retailers of spirits (publicans).

Retailers of spirits, occasional licences.

Retailers of beer.

Retailers of beer, occasional licences.

Retailers of beer and wine.

Retailers of cider.

Retailers of wine.

Retailers of wine, occasional licences.

Retailers of sweets.

Licences for the sale of intoxicating liquor by retail, by persons not licensed to deal therein, for consumption off the premises ;

Retailers of beer.

Retailers of beer and wine.

Retailers of cider.

Retailers of wine.

Retailers of sweets.

Retailers of table beer.

Licences to deal in game.

Schedules.

Licences for—	
Beer dealers.	Carriages.
Spirit dealers.	Trade carts.
Sweets dealers.	Locomotives.
Wine dealers.	Horses and mules.
Refreshment house keepers.	Horse dealers.
Dogs.	Armorial bearings.
Killing game.	Male servants.
Guns.	Hawkers.
Appraisers.	House agents.
Auctioneers.	Pawnbrokers.
Tobacco dealers.	Plate dealers.

Section 71.

SECOND SCHEDULE.

Alteration of Schedule to District Auditors Act, 1879.
(42 & 43 Vict. c. 6.)

The following scale shall, until otherwise determined by Parliament, be substituted for so much of the scale set forth in the First Schedule to the District Auditors Act, 1879, as relates to expenditure amounting to 100,000*l.* and upwards.

Where the Total of the Expenditure comprised in the Financial Statement is—	The Sum shall be—
100,000 <i>l.</i> and under 150,000 <i>l.</i> - - -	50 <i>l.</i>
150,000 <i>l.</i> and under 200,000 <i>l.</i> - - -	60 <i>l.</i>
200,000 <i>l.</i> and upwards - - - -	15 <i>l.</i> in addition for every 50,000 <i>l.</i> or part thereof.

Sections 31,
34, 35, 36, 69.

THIRD SCHEDULE.

County Boroughs.

Name of Borough.	Name of County in which, for the purpose of this Act, the Borough is deemed to be situate.
Barrow - - -	Lancaster.
Bath - - - -	Somerset.
Birkenhead -	Chester.
Birmingham -	Warwick.
Blackburn - - -	Lancaster.
Bolton - - - -	Lancaster.
Bootle cum Linacre-	Lancaster.
Bradford	York, West Riding.
Brighton	Sussex.

Name of Borough.	Name of County in which, for the purpose of this Act, the Borough is deemed to be situate.
Bristol - -	Gloucester and Somerset.
Burnley -	Lancaster.
Bury -	Lancaster.
Canterbury	Kent.
Cardiff - -	Glamorgan.
Chester - - - -	Chester.
Coventry - - -	Warwick.
Croydon - - -	Surrey.
Derby - -	Derby.
Devonport	Devon.
Dudley - -	Worcester.
Exeter - -	Devon.
Gateshead	Durham.
Gloucester -	Gloucester.
Great Yarmouth	Norfolk and Suffolk.
Halifax -	York, West Riding.
Hanley -	Stafford.
Hastings - -	Sussex.
Huddersfield	York, West Riding.
Ipswich - -	Suffolk.
Kingston-upon-Hull	York, East Riding.
Leeds - -	York, West Riding.
Leicester	Leicester.
Lincoln - -	Lincoln (parts of Lindsey).
Liverpool - -	Lancaster.
Manchester - -	Lancaster.
Middlesbrough	York, North Riding.
Newcastle-upon-Tyne -	Northumberland.
Northampton - -	Northampton.
Norwich - - - -	Norfolk.
Nottingham - - -	Nottingham.
Oldham -	Lancaster.
Plymouth - -	Devon.
Portsmouth - -	Hants.
Preston - - -	Lancaster.
Reading - - -	Berks.
Rochdale -	Lancaster.
Saint Helen's -	Lancaster.
Salford	Lancaster.
Sheffield - - -	York, West Riding.
Southampton - - -	Hants.
South Shields - -	Durham.
Stockport - - - -	Chester and Lancaster.
Sunderland - -	Durham.
Swansea -	Glamorgan.
Walsall - -	Stafford.
West Bromwich - -	Stafford.
West Ham - - - -	Essex.
Wigan - - - -	Lancaster.
Wolverhampton - -	Stafford.
Worcester - -	Worcester.
York - - - -	York, North, East, and West Ridings.

THE COUNTY ELECTORS ACT, 1888.

51 VICT. c. 10.

An Act to provide for the Qualification and Registration of Electors for the purposes of Local Government in England and Wales. [16th May, 1888.]

WHEREAS it is expedient to make provision with respect to the qualification and registration of electors of any representative bodies (in this Act referred to as "county authorities") which may be established under any Act of the present session of Parliament for the purposes of local government in counties in England.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the County Electors Act, 1888.

s. 1.

The Registration Act, 1885 (*a*), and the Parliamentary Registration Acts (*b*) within the meaning of that Act, are in this Act referred to as the Registration of Electors Acts, and together with this Act may be cited as the Registration of Electors Acts, 1843 to 1888.

Short title
and construc-
tion.

This Act shall be construed as one with the Registration of Electors Acts.

(*a*) 48 & 49 Vict. c. 15.

(*b*) These are the Parliamentary Registration Act, 1843 (see Local and Municipal Government, p. 1263), the Parliamentary and Municipal Registration Act, 1878 (see Local and Municipal Government, p. 1280), and all Acts and enactments amending them, or otherwise relating to revising barristers or to the registration of voters, and all Acts and enactments relating to rating in so far as they are auxiliary to or deal with the registration of voters. (See 48 & 49 Vict. c. 15, s. 19.)

ss. 2—4.

Extension of
burgess fran-
chise to
county
electors out-
side muni-
cipal
boroughs.

2.—(1.) For the purpose of the election of county authorities in England, the burgess qualification, that is to say, the qualification enacted by section nine of the Municipal Corporations Act, 1882 (*c*), shall extend to every part of a county not within the limits of a borough, and a person possessing in any part of a county outside the limits of a borough such burgess qualification, shall be entitled to be registered under this Act as a county elector in the parish in which the qualifying property is situate.

(*c*) In Appendix, *post*.

(2.) Sections nine, thirty-one, thirty-three, and sixty-three of the Municipal Corporations Act, 1882 (*d*), and any enactments of that or any other Act affecting the same, shall extend to so much of every county as is not comprised within the limits of a municipal borough in like manner as if they were herein re-enacted, with the substitution of “county” for “borough” and of “county elector” for “burgess,” and with the other necessary modifications.

(*d*) In Appendix, *post*.

Occupation of
land of the
value of 10%
to qualify.

3. Every person who is entitled to be registered as a voter in respect of a ten pounds occupation qualification within the meaning of the provisions of the Registration Act, 1885, which are set out in the schedule to this Act (*dd*), shall be entitled to be registered as a county elector, and to be enrolled as a burgess, in respect of such qualification, in like manner in all respects as if the sections of the Municipal Corporations Act, 1882, relating to a burgess qualification included the said ten pounds occupation qualification.

(*dd*) *Post*, p. 176.

Registration
of county
electors.

4. (*e*)—(1.) The Registration of Electors Acts (*f*) shall, so far as circumstances admit, apply to the enrolment of burgesses in a municipal borough (*g*) to which the Parliamentary and Municipal Registration Act, 1878 (*h*), does not apply, and to the registration of county electors within the meaning of this Act; and the lists of burgesses, and of county electors, and of occupation voters for parliamentary elections, shall, so far as practicable, be made out and revised together; and the Registration of Electors Acts shall accordingly—

(*a*) apply to every such municipal borough in like manner

as if it were a borough to which sub-section two of section six of the Registration Act, 1885, applied (sub-section one of which section is hereby repealed), and revising assessors (*i*) for such borough shall not be elected; and

- (b) apply to every parish not situate in a municipal borough, in like manner as if such parish were a municipal borough to which the Parliamentary and Municipal Registration Act, 1878, applies, and the said lists of county electors and of occupation voters for parliamentary elections in such parish shall be made out in divisions, as provided in the said Act (*k*): Provided that a person whose name appears in any list of county electors or burgesses in a county may object to the name of any other person on a list of county electors or burgesses for a parish in that county, and may oppose the claim of a person to have his name inscribed in any such list.

(*e*) This section must be read as amended by sect. 76 of the Local Government Act, *ante*, p. 106.

(*f*) See sect. 1.

(*g*) See sect. 44 of the Municipal Corporations Act, 1882, in Appendix, *post*.

(*h*) 41 & 42 Vict. c. 26; see Local and Municipal Government, p. 1280.

(*i*) See sect. 29 of the Municipal Corporations Act, 1882, in Appendix, *post*.

(*k*) 41 & 42 Vict. c. 26, s. 15; see Local and Municipal Government, p. 1283.

(2.) In the construction of the Registration of Electors Acts for the purpose of their application to a parish not situate in a municipal borough, there shall be made the variations following, and such other variations as may be necessary for carrying into effect the application, that is to say:—

(a) Where such parish is not within a parliamentary borough “parliamentary county” shall be substituted for “parliamentary borough.”

(b) Where such parish is not within a parliamentary

borough, the clerk of the peace shall perform the duties of and be substituted for the town clerk; but any notice required to be given to the town clerk by section twenty-seven of the Parliamentary and Municipal Registration Act, 1878 (*l*), relating to the withdrawal and revival of objections, shall be given to the overseers and not to the clerk of the peace;

- (c) County elector shall be substituted for burgess;
- (d) Section nine of the Parliamentary and Municipal Registration Act, 1878 (*m*), shall not apply to any parish which is not wholly situate in an urban district;
- (e) Where such parish is not within a parliamentary borough (*n*) section twenty-one of the Parliamentary and Municipal Registration Act, 1878 (*o*), shall not apply, and the lists and register of voters shall be made out alphabetically, but shall be framed in parts for polling districts and electoral divisions and for urban districts and for wards of urban and rural districts in such a manner that the parts may be conveniently compiled or put together to serve as lists for polling districts, and elections in urban districts and as electoral division or ward lists;
- (f) Where such parish is within a parliamentary borough—
 - (i.) the overseers shall send to the clerk of the peace for the county two copies of the lists of voters at the same time at which they send copies to the town clerk; and
 - (ii.) the town clerk shall cause to be printed such number of copies of the revised lists as the clerk of the peace may require, and shall transmit the same to the clerk of the peace, who shall deal with the same as with other lists of county electors in his county; but,
 - (iii.) save as aforesaid, the clerk of the peace shall not act in relation to the registration of county electors in the said parish, and the town clerk of the parliamentary borough shall be the

town clerk within the meaning of the Registration of Electors Acts and this Act in relation to such parish, and shall include in his precept to the overseers proper directions respecting the registration of the county electors within the meaning of this Act.

- (g) The lists of occupation voters and county electors shall be revised by the revising barrister for the parliamentary borough or county in which such parish is situate, and the revising barrister for revising the county electors lists for the whole or any part of an electoral division of any county shall, if so required by the county council, hold a Court in that electoral division or at some convenient place in a division adjoining thereto.
- (h) The guardians of a union which is not wholly comprised in an urban district may, with the consent of the overseers of any parish or parishes within their union for which an assistant overseer has not been appointed, annually appoint a fit person to act as registration officer for such parish or parishes, and may remove any such person, and fill up any vacancy caused by death, resignation, or otherwise. Such registration officer shall perform all the duties of overseers of the parish or parishes for which he is appointed in respect of the registration of county electors and parliamentary voters, and the provisions of the Registration of Electors Acts relating to overseers, including those providing for penalties, shall apply to him accordingly :

Provided that his remuneration shall be fixed and paid by the guardians of the union, and charged on the poor rates of the parish or parishes for which he is appointed, and (if he acts for more than one parish) in proportion to the number of persons on the registers made during the year of his appointment of county electors and parliamentary voters for each parish.

(l) See Local and Municipal Government, p. 1285.

(m) That is, a provision for the publication of notices and lists in

Post and Telegraph Offices. See Local and Municipal Government, p. 1281.

(n) These provisions as to framing the lists and register of voters in parts are now extended to parishes situate *within* a parliamentary borough. See the Local Government Act, s. 76 (1), *ante*, p. 106.

(o) That is, a provision that lists and registers may be arranged according to streets. See Local and Municipal Government, p. 1284.

(3.) Notwithstanding anything in this Act contained, where a municipal borough or an urban district is co-extensive with any electoral division or divisions of a parliamentary county, the lists of voters may be directed by the *county authority* (*p*) to be made out according to the order in which the qualifying premises appear in the rate book, and section twenty-one of the Parliamentary and Municipal Registration Act, 1878, shall apply to such borough or urban district, and where lists of voters are so made out nothing in this Act shall require such part of the county register as consists of these lists to be arranged alphabetically (*q*).

(*p*) That is, the county council. See the Local Government Act, s. 76 (2), *ante*, p. 106.

(*q*) Sect. 76 of the Local Government Act further provides that the names of the parliamentary electors and county electors in the lists in each polling district may be numbered consecutively, and such portion of those lists as consists of the names of parliamentary electors may be taken to form the register for the purpose of parliamentary elections, and such portion as contains the names of county electors may be taken to form the register of county electors.

Making out of lists and registers in metropolis.

5. After the year one thousand eight hundred and eighty-eight, in every part of the metropolis, and in every part of a parliamentary borough, the whole or greater part of which is situate in the metropolis, the lists and registers of parliamentary voters, and of county electors, shall, unless the local authority otherwise direct, be arranged in the same order in which the qualifying premises appear in the rate book for the parish in which those premises are situate, or as nearly thereto as will cause those lists and registers to record the qualifying premises in successive order in the street or other place in which they are situate.

For the purpose of this section "metropolis" means the city of London and the parishes and places mentioned in

Schedules (A), (B) and (C) of the Metropolis Management Act, 1855 (*r*).

(*r*) See note to sect. 100 of the Local Government Act, 1888, *ante*, p. 125.

6.—(1.) The lists of parliamentary voters, and of bur-
gesses, and of county electors, shall be revised between the
eighth day of September and the twelfth day of October
both inclusive, and shall be revised as soon as possible after
the seventh day of September, and the eighth day of Sep-
tember shall be substituted in the Acts relating to the regis-
tration of parliamentary voters for the fifteenth day of
September; and the declarations under section ten of the
County Voters Registration Act, 1865 (*s*), and section
twenty-four of the Parliamentary and Municipal Regis-
tration Act, 1878 (*t*), shall be sent to the clerk of the peace
or town clerk on or before the fifth day of September.

Revision of
electoral lists.

(*s*) 28 & 29 Vict. c. 36.

(*t*) 41 & 42 Vict. c. 26; see Local and Municipal Government,
p. 1284.

(2.) In sections sixty-two and sixty-three of the Parlia-
mentary Voters Registration Act, 1843 (*u*) (relating to
appeals from revising barristers in England), “the Michael-
mas sittings of the High Court of Justice” shall be substi-
tuted for “the Michaelmas term,” and forthwith after the
fourth day of the Michaelmas sittings a court or courts shall
sit for the purpose of hearing such appeals, and those appeals
shall be heard and determined continuously and without
delay, and any statement by the barrister for the purpose of
any such appeal made in pursuance of section forty-two
of the said Act may be made at any time within ten days
after the conclusion of the revision, so that it be made not
less than four days (*x*) before the first day of the said
Michaelmas sittings, and the statement need not be read in
open court, but shall be submitted to the appellant, who, if
he approves the same, shall sign the same as directed by the
said section, and return the same to the barrister.

(*u*) 6 & 7 Vict. c. 18.

(*x*) This is not to apply to the year 1888. See sect. 76 (*s*) of the
Local Government Act, 1888, *ante*, p. 107.

s. 7.

Roll of
county
electors.

7.—(1.) The clerk of the peace of every county shall make up a register of all persons registered as burgesses or county electors in the county, both for the county and for each electoral division into which the county is divided for the purpose of election of the county authority, and such number of copies as the clerk of the peace may require of the list of burgesses as revised shall be delivered by the town clerk to such clerk of the peace for the purpose of making up such register.

(2.) The Registration of Electors Acts (*y*) and sections forty-five, forty-eight and seventy-one of the Municipal Corporations Act, 1882 (*z*), shall apply, for the purposes of this section, with the substitution of clerk of the peace for town clerk, and of county register and division register for burgess roll and ward roll respectively, and of electoral division for ward, and of county fund for borough fund.

(*y*) See sect. 1.

(*z*) In Appendix, *post*.

(3.) If district councils are established under any Act of the present session of Parliament, the clerk of every such council, not being the council of a borough, shall make up a register of all persons registered as county electors in his district, and where there are wards in a district, of all county electors in each ward, and he shall obtain from the clerk of the peace a sufficient number of copies of the lists of the county electors so registered as may be required for the purpose of making up such register and supplying the same to the public, and the above-mentioned Acts and sections shall apply for that purpose, with the substitution of "clerk of the district council" for "town clerk," and of "district register" for "burgess roll" respectively.

(4.) Provided that nothing in this section shall prevent a county elector from being registered in more than one division register.

(5.) Where in pursuance of section four of the Registration Act, 1885, the revising barrister has power to erase the name of any person as a parliamentary voter from division one of the occupiers list, such barrister, in lieu of erasing the name, shall place an asterisk or other mark against the name, and, in printing such lists, the name shall be numbered con-

secutively with the other names, but an asterisk or other mark shall be printed against the name, and a person against whose name such asterisk or other mark is placed shall not be entitled to vote in respect of such entry at a parliamentary election, but shall have the same right of voting at an election of a county authority as he would have if no such mark were placed against his name.

(6.) If under any Act of the present session of Parliament establishing a council for a county any portion of another county is added to that county for the purpose of such election, such portion of the county register as relates to the electors having qualifying property in the said part so added shall be deemed to be part of the county register of the county for which such council is elected, and the clerk of the peace and other officers shall take such steps as may be necessary for giving effect to these enactments.

8.—(1.) All expenses properly incurred and all sums received in carrying into effect the provisions of this Act and the Registration of Electors Acts with respect to county electors,—

Expenses.

(a) if incurred or received by overseers, shall be respectively paid and applied as expenses and receipts of overseers under the Registration of Electors Acts in the case of the lists of parliamentary voters; and

(b) if incurred or received by the clerk of the peace or town clerk, shall be paid out of or into the county or borough fund; and such expenses shall include all proper and reasonable fees and charges made and charged by him for the trouble, care, and attention of such clerk in the performance of the services and duties imposed on him by the said provisions.

9 (a). Every barrister appointed to revise any list of voters under the Parliamentary Voters Registration Act, 1843 (b), shall be paid the sum of two hundred and fifty guineas by way of remuneration to him, and in satisfaction of his travelling and other expenses, and every such barrister, after the termination of his last sitting, shall forward his appointment

Remuneration of revising barristers and contribution by county authorities.

to the Commissioners of Her Majesty's Treasury, who shall make an order for the payment of the above sum to every such barrister.

The maximum amount to be paid to an additional barrister in pursuance of the Revising Barristers Act, 1886 (c), shall not exceed the amount authorised by this section to be paid to a revising barrister.

The sums so paid to a revising barrister or an assistant barrister shall be payable partly out of moneys provided by Parliament and partly by the county authorities, as hereinafter mentioned.

- (1.) There shall be annually paid by the county authority of every county out of the county fund into Her Majesty's Exchequer such sum as the Treasury certify to be one-half of the cost incurred for the payment of revising barristers at the then last revision of the lists of parliamentary electors, burgesses, and county electors in that county.
- (2.) The Treasury shall yearly ascertain the total cost of the revising barristers appointed for all the counties and boroughs on any circuit, and shall divide one-half of such cost among the counties comprised in such circuit in proportion to the number of burgesses and county electors in each county, and certify the amount which under such apportionment is due under this section from each county. The Treasury may vary such certificate if they think fit, but unless it is so varied the certificate shall be final.
- (3.) So much of any Act as requires a payment out of the borough fund of any borough to a revising barrister, in respect of the revision of the burgess lists, shall be repealed, without prejudice to any payment or liability previously made or incurred.

(a) As to the effect of the creation of the County of London on the appointment of revising barristers, see sect. 76 (4) of the Local Government Act, 1888, *ante*, p. 106.

(b) 6 & 7 Vict. c. 18.

(c) 49 & 50 Vict. c. 42.

1886, is hereby repealed, and that Act, as amended by this Act, shall be perpetual.

Vict. c. 42.
Repeal of
6 & 7 Vict.
c. 18, s. 59.

(2.) So long as a separate commission of assize is issued for the county of Surrey, that county shall be deemed to be a circuit within the meaning of section two, as well as of section one of the Revising Barristers Act, 1886.

(3.) An application to appoint an additional barrister under the said Act may be made at any time after the first day of September.

(4.) Section fifty-nine of the Parliamentary Voters Registration Act, 1843, is hereby repealed.

11 (*d*).—(1.) In the event of a county authority being established under any Act of the present session, the provisions of this Act with respect to county authority, county and county fund shall refer to the said county authority and to the county and county fund of such authority, and in case of any borough which, for the purposes of the said Act, is a county of itself, to the council of the borough and to the borough and borough fund.

Application
of provisions
of Act re-
specting
county fund.

(*d*) See the Local Government Act, 1888, sect. 76 (*5*), *ante*, p. 107.

(2.) In the event of a county authority not being established under any Act during the present session, the sums directed by this Act to be paid out of and into the county fund shall be paid by or under the direction of the local authority of every county quarter sessional area within the meaning of the Registration Act, 1885, in like manner as expenses or receipts of the clerk of the peace for such area under the Registration of Electors Acts, and by and under the direction of the council of every municipal borough which is also a parliamentary borough out of and into the borough fund, and the amount to be paid for revising barristers shall be apportioned between such quarter sessional areas and boroughs upon the principles above mentioned in this Act.

12. A list of persons occupying property in a county, and residing within fifteen miles, but more than seven miles from the county, shall be made out in accordance with section forty-nine of the Municipal Corporations Act, 1882 (*e*), and

Separate list
of persons
residing
within fifteen
miles of
county.

that section shall apply as if it were herein re-enacted, with the substitution of “county” for “borough,” and of “county elector” for “burgess,” and of “clerk of the peace” for “town clerk” (*f*).

(*e*) In Appendix, *post*.

(*f*) By sect. 76 (6) of the Local Government Act, 1888, *ante*, p. 107, it is declared that nothing in this section applies to any person occupying property within a borough.

Precepts by
clerk of the
peace.

13 (*g*). All precepts, notices, and forms required for the purposes of the Registration of Electors Acts shall be altered in such manner as may be declared by Her Majesty in Council to be necessary for carrying into effect this Act, and clerks of the peace and town clerks shall alter their precepts and forms accordingly, and if clerks of the peace or town clerks have sent out precepts to the overseers before the passing of this Act, they shall send to them such supplemental precepts as are necessary or desirable for instructing them to carry into effect this Act.

(*g*) See also sect. 76 (7) of the Local Government Act, *ante*, p. 107.

Definitions.

14. In this Act, unless the context otherwise requires,—
The expressions “urban district” and “rural district” respectively mean an urban or rural sanitary district (*h*), also any urban or rural district under any Act of the present session of Parliament;

The expression “clerk of the peace” means, in the event of the establishment of a county authority, the person acting as clerk of that authority, and such person shall act as clerk of the peace throughout the whole county of such authority, both for the purposes of this Act and of the Registration of Electors Acts; subject nevertheless—

(*a*) To the provisions of the Registration Act, 1885, respecting the case of any parliamentary county extending into more county quarter sessional areas than one, and

(*b*) To the proviso that where at the passing of this Act any clerk of the peace acts as clerk of the peace under the Registration of Electors Acts he shall con-

tinue so to act, but shall act as deputy of the person acting as clerk of the peace by virtue of this Act.

(h) See the Public Health Act, 1875, sects. 5, 6 and 9; Local and Municipal Government, pp. 48—50.

15. In the year one thousand eight hundred and eighty-eight, notwithstanding anything in this Act or the enactments applied by this Act, the revision of the lists of parliamentary voters and county electors may be later than the twelfth day of October, so that it be not later than the thirty-first day of October, and the register of county electors shall be completed on or before the thirty-first day of December in the said year, and shall come into operation on the first day of January one thousand eight hundred and eighty-nine, and shall continue in operation until the next register of county electors comes into operation.

Transitory provisions as to the year 1888.

In the year one thousand eight hundred and eighty-eight, notwithstanding anything in this Act or the enactments thereby applied, the clerk of the peace in a county may, if he thinks fit, instead of directing the occupiers list to be made out in three divisions as provided by the Registration of Electors Acts, direct the overseers to make supplemental lists containing the names which would otherwise be contained in division two and division three of the occupiers list respectively, and the names so contained in the supplemental list corresponding to division two shall be struck by the revising barrister out of division one of the list, and the supplemental list corresponding to division two or division three shall be treated as if it were division two or three of the said list, as the case may be.

SCHEDULE (i).

Registration Act, 1885.

DEFINITION OF TEN POUNDS OCCUPATION QUALIFICATION.

Ten pounds
occupation
qualification.

A person entitled to be registered as a voter in respect of a ten pounds occupation qualification in a borough, municipal or parliamentary—

- (a) must during the whole twelve months immediately preceding the fifteenth day of July have been an occupier as owner or tenant of some land or tenement in a parish [or township] of the clear yearly value of not less than ten pounds; and
- (b) must have resided in or within seven miles of the borough during six months immediately preceding the fifteenth day of July; and
- (c) Such person, or some one else must during the said twelve months have been rated to all poor rates made in respect of such land or tenement; and
- (d) All sums due in respect of the said land or tenement on account of any poor rate made and allowed during the twelve months immediately preceding the fifth day of January next before the registration, or on account of any assessed taxes due before the said fifth day of January, must have been paid on or before the twentieth day of July.

If two or more persons jointly are such occupiers as above mentioned, and the value of the land or tenement is such as to give ten pounds or more for each occupier, each of such occupiers is entitled to be registered as a voter.

If a person has occupied in the borough different lands or tenements of the requisite value in immediate succession during the said twelve months, he is entitled in respect of the occupation thereof to be registered as a voter in the parish [or township] in which the last occupied land or tenement is situate.

(i) See sect. 3, *ante*.

APPENDIX.

MUNICIPAL CORPORATIONS ACT, 1882.

45 & 46 VICT. c. 50.

[The portions of this Act here set out apply as if re-enacted in the Local Government Act, with such modifications as are necessary to make them applicable to county councils, their chairmen, members, committees, and officers.]

PART II.

CONSTITUTION AND GOVERNMENT OF BOROUGH.

Corporate Name.

ss. 8, 9.

8. The municipal corporation of a borough shall bear the name of the mayor, aldermen, and burgesses of the borough, or, in the case of a city, the mayor, aldermen, and citizens of the city (*a*). Name of municipal corporation.

Burgesses.

9.—(1.) A person (*b*) shall not be deemed a burgess (*c*) for any purpose of this Act unless he is enrolled as a burgess (*c*). Qualification of burgess.

(2.) A person (*b*) shall not be entitled to be enrolled as a burgess (*c*) unless he is qualified as follows :

(a) Is of full age ; and

(b) Is on the fifteenth of July in any year, and has been during the whole of the then last preceding twelve months, in occupation (*d*) joint or several, of any

(a) The county council is a body corporate by the name of The County Council of [with the addition of the name of the administrative county] : L. G. Act, s. 79 (1), p. 109,

(b) This does not include a married woman : *R. v. Harrald*, L. R. 7 Q. B. 361 ; 41 L. J. Q. B. 173 ; 26 L. T. N. S. 616 ; 20 W. R. 328 ; 36 J. P. 438. A woman rightly on the burgess list, but married before an election, is, it seems, disqualified from voting : *Ibid.* See sect. 63, *post*.

(c) For "burgess" and "borough" in this section, and sects. 31, 33, and 63, read "burgess or county elector" and "borough or county" respectively : County Electors Act, s. 2 (2), *ante*, p. 164.

(d) Occupation of a dwelling-house by virtue of an office, service, or employment, within the meaning of the Representation of the People Act, 1884, s. 3, is no qualification for the municipal franchise : *McCleary v. Prichard*, L. R. 20 Q. B. D. 285 ; 58 L. T. N. S. 337 ; 36 W. R. 508.

By the Municipal Voters' Relief Act, 1885 (48 Vict. c. 9), the letting of a house as a furnished dwelling-house for a period not exceeding four months altogether is not to be a disqualification.

- house (*d*), warehouse, counting-house, shop, or other building (*e*) (in this Act referred to as qualifying property) in the borough (*f*); and
- (c) Has during the whole of those twelve months resided in the borough (*g*), or within seven miles thereof (*f*); and
- (d) Has been rated in respect of the qualifying property to all poor rates made during those twelve months for the parish wherein the property is situate (*h*); and
- (e) Has on or before the twentieth of the same July paid all such rates, including borough rates (*hh*) (if any), as have become payable by him in respect of the qualifying property up to the then last preceding fifth of January.

(3.) Every person (*i*) so qualified shall be entitled to be enrolled as a burgess (*j*) unless he—

- (a) Is an alien (*k*); or

(*d*) Occupation of part of a dwelling-house, for the purposes of a private dwelling only, constitutes occupation of a "house" within this section, and sect. 31, so as to confer the municipal franchise upon the occupier: *Greenway v. Bachelor*, L. R. 12 Q. B. D. 381; 53 L. J. Q. B. 180; 50 L. T. N. S. 272; 32 W. R. 319; 47 J. P. 792.

Now by sect. 3 of the County Electors Act, 1888, *ante*, p. 164, every person who is entitled to be registered as a voter in respect of the occupation of land of the value of ten pounds, is entitled to be enrolled as a burgess or county elector.

(*e*) As to the meaning of "building," see *Morrish v. Harris*, L. R. 1 C. P. 155; 35 L. J. C. P. 101; S. C. *nom. Norrish v. Harris*, and *Gilham v. Harris*, 13 L. T. N. S. 762; 14 W. R. 479; 12 Jur. N. S. 627; *Powell v. Farmer*, 34 L. J. C. P. 71; 11 L. T. N. S. 736; 11 Jur. N. S. 162; H. & P. 172; *Watson v. Cotton*, 5 C. B. 51; 17 L. J. C. P. 68; *Whitmore v. Bedford*, 5 M. & G. 9; 13 L. J. C. P. 55; and see per Erle, C. J., in *Powell v. Boraston*, 34 L. J. C. P. 73; 11 L. T. N. S. 734; 11 Jur. N. S. 160; H. & P. 179. See, also, sect. 31, *post*.

(*f*) See sect. 231, *post*. For "borough" read "borough or county," see note (*c*), *ante*, p. 177. Within fifteen miles is sufficient in the County of London: L. G. Act, s. 77, p. 107.

(*g*) See the preceding note. As to what constitutes continuous residence, see *Ford v. Hart*, L. R. 9 C. P. 273; 43 L. J. C. P. 24; 29 L. T. N. S. 685; 22 W. R. 159; 2 Hopw. & C. 167; *Ford v. Pye*, L. R. 9 C. P. 269; 43 L. J. C. P. 21; 29 L. T. N. S. 684; 22 W. R. 159; 2 Hopw. & C. 157; *Durant v. Carter*, L. R. 9 C. P. 261; 43 L. J. C. P. 17; 29 L. T. N. S. 681; 22 W. R. 158; 2 Hopw. & C. 142; *Ford v. Drew*, L. R. 5 C. P. D. 59; 49 L. J. C. P. 172; 41 L. T. N. S. 478; 28 W. R. 137.

(*h*) See sects. 32 and 33, *post*.

(*hh*) See County Electors Act, s. 2 (2), *ante*, p. 164.

(*i*) See note (*b*), *supra*.

(*j*) See note (*c*), *ante*, p. 177.

(*k*) See the Naturalization Act, 1870 (33 & 34 Vict. c. 14, s. 2 (1)).

- (b) Has within the twelve months aforesaid received union or parochial relief or other alms (*l*) ; or
- (c) Is disqualified under any Act of Parliament.

Council; Mayor, Aldermen, and Councillors.

10. (*m*)—(1.) The municipal corporation of a borough shall be capable of acting by the council of the borough, and the council shall exercise all powers vested in the corporation by this Act or otherwise. Constitution of council.

(2.) The council shall consist of the mayor, aldermen, and councillors.

11.—(1.) The councillors shall be fit persons elected by the burgesses (*mm*). Qualification of councillor.

(2.) A person shall not be qualified to be elected or to be a councillor, unless he—

- (a) Is enrolled and entitled to be enrolled as a burgess (*n*) ; or
- (b) Being entitled to be so enrolled in all respects except that of residence, is resident beyond seven miles but within fifteen miles (*o*) of the borough, and is entered in the separate non-resident list directed by this Act to be made (*p*) ; and
- (c) In either of those cases, is seized or possessed of real or personal property or both, to the value or amount, in the case of a borough having four or more wards, of one thousand pounds, and in the case of any other borough, of five hundred pounds, or is rated to the poor rate in the borough, in the case of a borough having four or more wards, on the annual value of thirty pounds, and in the case of any other borough of fifteen pounds (*pp*).

(3.) Provided, that every person shall be qualified to be elected and to be a councillor, who is, at the time of election,

(*l*) Medical or school aid do not disqualify: sect. 33 (4), *post*.
 "Other alms applies only to such as are parochial": *R. v. Mayor of Lichfield*, 2 Q. B. 693 ; 2 G. & D. 10.

(*m*) As applied to the county council, sect. 1 of the L. G. Act, *ante*, p. 1, must be substituted for this section.

(*mm*) Or the county electors: County Electors Act, s. 2 (1), p. 164.

(*n*) Or county elector: County Electors Act, s. 2 (1), p. 164, and see sect. 9, *ante*.

(*o*) See sect. 231, *post*.

(*p*) Sect. 49, *post*. See sect. 75 (12) of the L. G. Act, p. 102.

(*pp*) In addition to the above, the L. G. Act, by sect. 2 (2) (b) (*ante*, p. 2), provides that a peer owning property in the county, or a registered parliamentary voter in respect of ownership of property in the county, shall be qualified to be alderman or councillor.

qualified to elect to the office of councillor (*o*); which last-mentioned qualification for being elected shall be alternative for and shall not repeal or take away any other qualification.

(4.) But if a person qualified under the last foregoing proviso ceases for six months to reside in the borough, he shall cease to be qualified under that proviso, and his office shall become vacant, unless he was at the time of his election and continues to be qualified in some other manner.

Disqualifica-
tions for being
councillor.

12.—(1.) A person shall be disqualified for being elected and for being a councillor, if and while he—

- (a) Is an elective auditor or a *revising assessor* (*oo*), or holds any office or place of profit, other than that of mayor (*p*) or sheriff, in the gift or disposal of the council; or
- (b) Is in holy orders, or the regular minister (*q*) of a dissenting congregation (*qq*); or
- (c) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council (*r*):

(2.) But a person shall not be so disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in (*s*)—

- (a) Any lease, sale, or purchase of land, or any agreement for the same; or

(*o*) A person who is not qualified to be a burgess, but has been enrolled on the burgess roll, and is therefore entitled to vote under sect. 51, is not thereby qualified to be elected a councillor by the terms of the proviso: *Flintham v. Roxburgh*, L. R. 17 Q. B. D. 44; 55 L. J. Q. B. 472; 34 L. T. N. S. 797; 34 W. R. 543; 50 J. P. 311.

(*oo*) See now County Electors Act, s. 4 (1) (a), *ante*, p. 165.

(*p*) *I. e.*, chairman: L. G. Act, s. 2 (1), *ante*, p. 2.

(*q*) *I. e.*, “a person who is appointed to be the minister of a particular congregation, and not merely asked temporarily to hold the office”: *R. v. Oldham*, L. R. 4 Q. B. 290; 38 L. J. Q. B. 125, per Mellor, J.

(*qq*) But “clerks in holy orders and other ministers of religion” are not disqualified for being elected county aldermen or councillors: L. G. Act, s. 2 (2) (a), *ante*, p. 2.

(*r*) See sched. 2, r. 64, of the Public Health Act, 1875, and the notes thereto (Loc. and Mun. Gov., p. 238); and *Le Feuvre v. Lankester*, 3 E. & B. 530.

As to questioning an election or displacing a corporate officer, where the person whose election is questioned or the officer is disqualified, see sect. 87, *post*, and sect. 225, *post*.

As to the penalty for acting after disqualification, see sect. 41, *post*.

(*s*) But see sect. 22 (3), *post*.

- (b) Any agreement for the loan of money, or any security for the payment of money only; or
- (c) Any newspaper in which any advertisement relating to the affairs of the borough or council is inserted; or
- (d) Any company which contracts with the council for lighting or supplying with water, or insuring against fire any part of the borough; or
- (e) Any railway company, or any company incorporated by Act of Parliament or Royal Charter, or under the Companies Act, 1862.

25 & 26 Vict.
c. 89.
Term of office
and rotation
of councillors.

13.—(1.) The term of office of a councillor shall be three years.

(2.) On the ordinary day of election (*t*) of councillors in every year *one-third* (*tt*) of the whole number of councillors for the borough or for the ward, as the case may be, shall go out of office, and their places shall be filled by election (*u*).

(3.) The third to go out shall be the councillors who have been longest in office without re-election (*uu*).

14.—(1.) The aldermen shall be fit persons elected by the council (*x*).

Number,
term of office,
and rotation
of aldermen.

(2.) The number of aldermen shall be one-third (*xx*) of the number of councillors.

(3.) A person shall not be qualified to be elected, or to be an alderman, unless he is a councillor or qualified to be a councillor (*y*).

(4.) If a councillor is elected to, and accepts the office of alderman, he vacates his office of councillor (*yy*).

(5.) The term of office of an alderman shall be six years.

(6.) On the ordinary day of election of aldermen (*z*) in every third year, one half of the whole number of aldermen shall go out of office, and their places shall be filled by election (*u*).

(7.) The half to go out shall be those who have been aldermen for the longest time without re-election.

(*t*) See sects. 52 and 230, *post*.

(*tt*) The county councillors all retire together: L. G. Act, s. 2 (2) (d), *ante*, p. 3.

(*u*) As to re-eligibility, see sect. 37, *post*.

(*uu*) This has no application to county councillors: note (*tt*), *supra*.

(*x*) County aldermen do not vote in the election of county aldermen:

L. G. Act, s. 2 (2) (c), p. 2.

(*xx*) In the county of London not exceeding one-sixth: L. G. Act, s. 40 (5), p. 60.

(*y*) See note (*pp*), *ante*, p. 179.

(*yy*) See *R. v. Mayor, &c. of Bangor*, L. R. 18 Q. B. D. 349.

(*z*) See sects. 60, 212, 230, *post*.

ss. 15—17.

Qualification,
term of office,
salary, prece-
dence, and
powers of
mayor.

15.—(1.) The mayor (z) shall be a fit person elected by the council from among the aldermen or councillors or persons qualified to be such (a).

(2.) An outgoing alderman is eligible.

(3.) The term of office of the mayor (z) shall be one year, but he shall continue in office until his successor has accepted office and made and subscribed the required declaration.

(4.) He may receive such remuneration as the council think reasonable.

(5.) He shall, subject to the provisions of this Act, respecting justices, have precedence in all places in the borough (b).

(6.) The mayor of a borough named in the schedules to the Municipal Corporations Act, 1835, shall be capable in law to do and suffer all acts which the chief officer of the borough might at the passing of that Act lawfully do or suffer, as far as the same were not altered or annulled by that Act, or have not been altered or annulled by any subsequent Act.

Power of
mayor to ap-
point deputy.

16.—(1.) The mayor may from time to time appoint an alderman or councillor to act as deputy mayor during the illness or absence of the mayor.

(2.) The appointment shall be signified to the council in writing, and be recorded in their minutes.

(3.) A deputy mayor may, while acting as such, do all acts which the mayor as such might do, except that he shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so, and shall not, unless he is a justice, act as a justice or in any judicial capacity (c).

Officers of Council.

The town
clerk and
deputy.

17.—(1.) The council shall from time to time appoint a fit person, not a member of the council, to be the town clerk of the borough (d).

(z) For "mayor" read "chairman."

(a) An outgoing alderman shall not vote as such: Local Government Act, s. 75 (10), *ante*, p. 102. As to time and mode of election of mayor, see sects. 61, 212, 230, *post*.

(b) This does not apply to the county council: L. G. Act, s. 75 (16) (b).

(c) This section does not apply to the county council: L. G. Act, s. 75 (16) (b), p. 103. The county council may appoint a vice-chairman: L. G. Act, s. 2 (6), p. 4.

(d) This provision does not apply to the county council: L. G. Act, s. 75 (16) (e), p. 103.

(2.) The town clerk shall hold office during the pleasure of the council.

(3.) He shall have the charge and custody of, and be responsible for, the charters, deeds, records, and documents of the borough, and they shall be kept as the council direct.

(4.) A vacancy in the office shall be filled within twenty-one days after its occurrence.

(5.) In case of the illness or absence of the town clerk, the council may appoint a deputy town clerk, to hold office during their pleasure.

(6.) All things required or authorised by law to be done by or to the town clerk may be done by or to the deputy town clerk.

18.—(1.) The council shall from time to time appoint a fit person, not a member of the council, to be the treasurer of the borough (e). The treasurer.

(2.) The treasurer shall hold office during the pleasure of the council.

(3.) A vacancy in the office shall be filled within twenty-one days after its occurrence.

(4.) The offices of town clerk and treasurer shall not be held by the same person.

19. The council shall from time to time appoint such other officers as have been usually appointed in the borough (ee), or as the council think necessary, and may at any time discontinue the appointment of any officer appearing to them not necessary to be re-appointed. Other borough officers.

20. The council shall require every officer appointed by them to give such security as they think proper for the due execution of his office, and shall allow him such remuneration as they think reasonable (f). Security by and remuneration of officers.

(e) This section only applies to the county council, if they so resolve, in which case it supersedes the existing enactments as to the county treasurer: L. G. Act, s. 75 (16) (e), p. 103.

(ee) In the application of this section to county councils for "borough" read "county."

(f) As to the release of a surety by reason of any alteration in the relative position of the other parties, see *Bonar v. McDonald*, 3 H. L. Cas. 226; *Holland v. Lea*, 9 Ex. 430; 23 L. J. Ex. 122; *Pybus v. Gibb*, 6 E. & B. 902; 26 L. J. Q. B. 41; *Oswald v. Mayor, &c. of Berwick*, 5 H. L. Cas. 856; 25 L. J. Q. B. 383; *Skillett v. Fletcher*, L. R. 2 C. P. 469; 36 L. J. C. P. 206. As to negligence on the part of obligees in calling upon an officer to account, see *Guardians of Mansfield Union v. Wright*, L. R. 9 Q. B. D. 683; and as to discharge of surety where

ss. 21, 22.

Account-
ability of
officers.

21.—(1.) Every officer appointed by the council shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner as the council direct, deliver to the council, or as they direct, a true account in writing of all matters committed to his charge, and of his receipts and payments, with vouchers, and a list of persons from whom money is due for purposes of this Act in connexion with his office, showing the amount due from each.

(2.) Every such officer shall pay all money due from him to the treasurer, or as the council directs.

(3.) If any such officer—

(a) Refuses or wilfully neglects to deliver any account or list which he ought to deliver, or any voucher relating thereto, or to make any payment which he ought to make; or

(b) After three days' notice, in writing, signed by the town clerk or by three members of the council, given or left at his usual or last known place of abode, refuses or wilfully neglects to deliver to the council, or as they direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the council, or as they direct;

a Court of Summary Jurisdiction having jurisdiction where the officer is or resides may, by summary order, require him to make such delivery or payment, or to give such satisfaction.

(4.) But nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

Meetings and Proceedings of Council; Committees.

22.—(1.) The rules in the Second Schedule (*h*) shall be observed.

(2.) The council may from time to time appoint out of their own body such and so many committees, either of a

the obligees continue the officer, &c. in their employment after notice of dishonesty on his part, see *Phillips v. Foxall*, L. R. 7 Q. B. 666; 41 L. J. Q. B. 293; 20 W. R. 900.

(*h*) *Post*, p. 251.

Quarterly
and other
meetings of
council; ap-
pointment of
committees,
minutes, &c.

general or special nature, and consisting of such number of persons, as they think fit, for any purposes which, in the opinion of the council, would be better regulated and managed by means of such committees; but the acts of every such committee shall be submitted to the council for their approval (*i*).

(3.) A member of the council shall not vote or take part in the discussion of any matter before the council, or a committee, in which he has, directly or indirectly, by himself or by his partner, any pecuniary interest (*k*).

(4.) No act or proceeding of the council, or of a committee, shall be questioned on account of any vacancy in their body (*l*).

(5.) A minute of proceedings at a meeting of the council, or of a committee, signed at the same or the next ensuing meeting, by the mayor, or by a member of the council, or of the committee, describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof (*m*).

(6.) Until the contrary is proved, every meeting of the council, or of a committee, in respect of the proceedings whereof a minute has been so made, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted, and to have had power to deal with the matters referred to in the minutes.

Bye-laws (n).

23.—(1.) The council may, from time to time, make such bye-laws as to them seem meet for the good rule and govern- Power of council to make bye-laws.

(*i*) See *Cook v. Ward*, L. R. 2 C. P. D. 255; 36 L. T. N. S. 893; 25 W. R. 593 (C. A.); 46 L. J. C. P. 554. The last clause of this subsection does not apply to the standing joint committee of the county council and quarter sessions: L. G. Act, s. 75 (16) (f), p. 103.

(*k*) See sect. 12, *ante*.

(*l*) See further, sect. 102, *post*.

(*m*) As to obtaining inspection of these minutes, see sect. 233 (1) and (7), *post*. As to forgery, see sect. 235, *post*.

(*n*) See, also, L. G. Act, s. 16, *ante*. As to bye-laws generally, see note (Local and Municipal Government, pp. 147, 148). See also sects. 247, 260 of this Act, *post*; and *Johnson v. Mayor of Croydon*, L. R. 16 Q. B. D. 708; 55 L. J. M. C. 117; 54 L. T. N. S. 295; 50 J. P. 487.

ment of the borough (*nn*), and for prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Act in force throughout the borough (*o*), and may thereby appoint such fines, not exceeding in any case five pounds, as they deem necessary for the prevention and suppression of offences against the same.

(2.) Such a bye-law shall not be made unless at least two-thirds of the whole number of the council are present.

(3.) Such a bye-law shall not come into force until the expiration of forty days after a copy thereof has been fixed on the town hall (*p*).

(4.) Such a bye-law shall not come into force until the expiration of forty days after a copy thereof, sealed with the corporate seal, has been sent to the Secretary of State; and if within those forty days the Queen, with the advice of her Privy Council, disallows the bye-law or part thereof, the bye-law or part disallowed shall not come into force; but it shall be lawful for the Queen, at any time within those forty days, to enlarge the time within which the bye-law shall not come into force, and in that case the bye-law shall not come into force until after the expiration of that enlarged time (*q*).

(5.) Any offence against such a bye-law may be prosecuted summarily.

(6.) Nothing in this section shall interfere with the operation of section one hundred and eighty-seven of the Public Health Act, 1875; and that section shall have effect as if this section were therein referred to, instead of section ninety of the Municipal Corporations Act, 1835; but nothing in the Public Health Act, 1875, shall be construed as having

(*nn*) For "borough" read "county."

(*o*) See the Public Health Act, 1875, sects. 47, 80, and 91—111, and sect. 171, incorporating certain sections of the Towns Police Clauses Act, 1847. (Local and Municipal Government, pp. 67, 84, 87—100, 136.) Besides general Acts there may also be local Acts in force throughout the borough.

(*p*) See sect. 232, *post*. As to the computation of time, see sect. 230, *post*.

(*q*) See sect. 187 of the Public Health Act, 1875. (Local and Municipal Government, p. 149.) The present section is taken from sects. 90 and 91 of 5 & 6 Will. 4, c. 76; but see now sub-sect. (6) of this section, *infra*.

restricted the meaning or scope of the Municipal Corporations Act, 1835, or as restricting the meaning or scope of this section, with respect to prevention or suppression of nuisances.

24. The production of a written copy of a bye-law made by the council under this Act, or under any former or present or future general or local Act of Parliament, if authenticated by the corporate seal, shall, until the contrary is proved, be sufficient evidence of the due making and existence of the bye-law, and, if it is so stated in the copy, of the bye-law having been approved and confirmed by the authority whose approval or confirmation is required to the making or before the enforcing of the bye-law.

Evidence of
bye-laws.

Accounts and Audit.

25.—(1.) There shall be three borough auditors, two elected by the burgesses, called elective auditors, and one appointed by the mayor, called mayor's auditor.

The borough
auditors.

(2.) An elective auditor must be qualified to be a councillor (*r*), but may not be a member of the council or the town clerk or the treasurer.

(3.) The mayor's auditor must be a member of the council.

(4.) The term of office of each auditor shall be one year.

(5.) The appointment of the mayor's auditor shall be made on the ordinary day of election of the elective auditors.

(6.) On a casual vacancy in his office an appointment to fill it shall be made within ten days after the occurrence of the vacancy.

26. The treasurer shall make up his accounts half-yearly to such dates as the council, with the approval of the Local

Half-yearly
accounts of
treasurer.

(*r*) The provisions of this Act as to borough auditors do not apply to county councils: L. G. Act, s. 75 (16) (b), *ante*, p. 103. The accounts of county councils and of the treasurer and officers of the council are to be audited by the district auditors appointed by the Local Government Board: L. G. Act, s. 71 (3), *ante*, p. 98.

Government Board, from time to time appoint; and, subject to any such appointment, to the dates in use at the commencement of this Act (*u*).

Audit and publication of treasurer's accounts.

27.—(1.) The treasurer shall, within one month from the date to which he is required to make up his accounts in each half-year, submit them, with the necessary vouchers and papers, to the borough auditors, and they shall audit them (*x*).

(2.) After the audit of the accounts for the second half of each financial year the treasurer shall print a full abstract of his accounts for that year (*y*).

Returns to Local Government Board.

28 (*y*).—(1.) The town clerk shall make a return to the Local Government Board of the receipts and expenditure of the municipal corporation for each financial year.

(2.) The return shall be made for the financial year ending on the twenty-fifth of March, or on such other day as the Local Government Board, on the application of the council, from time to time prescribe.

(3.) The return shall be in such form and contain such particulars as the Local Government Board from time to time direct.

(4.) The return shall be sent to the Local Government Board within one month after the completion of the audit for the second half of each financial year.

(5.) If the town clerk fails to make any return required under this section, he shall for each offence be liable to a fine not exceeding twenty pounds, to be recovered by action on behalf of the Crown in the High Court.

(6.) The Local Government Board shall in each year prepare an abstract of the returns made in pursuance of this section, under general heads, and it shall be laid before both Houses of Parliament.

(*u*) See L. G. Act, s. 71, *ante*, p. 97. As to passing these accounts, see L. G. Act, s. 3 (iii), p. 6. As to inspection of them, see sect. 233, *post*.

(*x*) The provisions of this Act as to borough auditors do not apply to county councils: L. G. Act, s. 75 (16) (b), *ante*, p. 103. The county treasurer's accounts are to be audited by the district auditors appointed by the Local Government Board: L. G. Act, s. 71 (3), *ante*, p. 98.

(*y*) See L. G. Act, s. 71 (2), *ante*, p. 97.

Revising Assessors (a).

[29.—(1). In every borough whereof no part of the area is co-extensive with or included in the area of a parliamentary borough, there shall be two revising assessors elected by the burgesses (a). Revising assessors in non-parliamentary boroughs.

(2.) Every person shall be eligible who is qualified to be a councillor and is not a member of the council or the town clerk or treasurer.

(3.) The term of office of each revising assessor shall be one year.

(4.) Every revising assessor shall, as soon as conveniently may be after his election, and from time to time as occasion requires, appoint, by writing signed by him, a person eligible to the office of revising assessor, to be his deputy, to act for him in case of his illness or incapacity to act.

(5.) The appointment shall be signified to the council, in writing signed by the assessor, and be recorded in their minutes (a).]

Division of Borough into Wards, or alteration of Wards.

30. (d)—(1.) If two-thirds of the council of a borough agree to petition, and the council thereupon petition, the Queen for the division of the borough into wards, or for the alteration of the number and boundaries of its wards, it shall be lawful for Her Majesty from time to time, by Order in Council, to fix the number of wards into which the borough shall be divided; and the borough shall be divided into that number of wards (e). Proceedings for division of borough into wards or alteration of wards.

(2.) Notice of the petition, and of the time when it pleases Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the *London*

(a) Now, by sect. 4 of the County Electors Act (*ante*, pp. 164, 165), it is provided that revising assessors shall not be elected for boroughs, to which the Parliamentary and Municipal Registration Act, 1878, does not apply (see sect. 44, *post*, p. 198), and that the Registration of Electors Acts shall apply to these boroughs.

(d) See the L. G. Act, s. 2 (2) (e), and (3) (c), *ante*, p. 3. The provisions of this Act as to boundaries, or the alteration of wards, do not apply to the county council electoral divisions, &c. L. G. Act, s. 75 (16) (b), *ante*, p. 103.

(e) See sect. 250 (2), *post*.

Gazette one month at least before the petition is so considered.

(3.) Where an Order in Council has been so made, the Secretary of State shall appoint a commissioner to prepare a scheme for determining the boundaries of the wards and apportioning the councillors among them.

(4.) In case of division into wards, the commissioner shall apportion all the councillors among the wards.

(5.) In case of alteration of wards, he shall so apportion among the altered wards the councillors for those wards as to provide for their continuing to represent as large a number as possible of their former constituents.

(6.) In either case, each councillor shall hold his office in the ward to which he is assigned for the same time that he would have held it had the borough remained undivided or the wards unaltered.

(7.) In case of division into wards the returning officer at the first election for each ward held after the division shall, notwithstanding anything in this Act, be the mayor or a person appointed by the mayor.

(8.) If by reason of any division or alteration under this section any doubt arises as to which councillor should go out of office, the doubt may be determined by the council.

(9.) The division of a borough into a greater number of wards shall not affect the qualification of aldermen or councillors.

(10.) The number of councillors assigned to each ward shall be a number divisible by three; and in fixing their number the commissioner shall, as far as he deems it practicable, have regard as well to the number of persons rated in the ward as to the aggregate rating of the ward.

(11.) The commissioner shall make the scheme in duplicate, and shall deliver one of the duplicates to the town clerk, and shall send the other to the Secretary of State, to be submitted by him to Her Majesty in Council for approval.

(12.) The scheme shall be published in the *London Gazette* and shall come into operation at the date of that publication, and thenceforth the boundaries of wards and apportionment of councillors determined and made by the scheme shall be observed and be in force.

(13.) If Her Majesty in Council does not approve the scheme, as originally prepared by the commissioner, it shall nevertheless be published in the *London Gazette*, and shall be in force for the purposes of any municipal election until Her Majesty in Council, on further information and report from the commissioner, definitively approves a scheme in that behalf.

(14.) The commissioner may administer oaths, and may require any person having the custody of any book containing a poor rate made for a parish to produce the book for his inspection; and every person required by the commissioner to answer any question put to him for the purposes of this section shall answer it.

(15.) The commissioner shall have remuneration as appearing by the Fourth and Fifth Schedules.

Supplemental and Exceptional Provisions.

31. In and for the purposes of this Act—

(a) The terms house, warehouse, counting house, shop, or other building include any part of a house, where that part is separately occupied for the purposes of any trade, business, or profession; and any such part may, for the purpose of describing the qualification, be described as office, chambers, studio, or by any like term applicable to the case (*f*).

Occupation
of part of
house.

(b) Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

32.—(1.) If an occupier of any qualifying property, whether the landlord is or is not liable to be rated to the poor rate in respect thereof, claims to be rated to the poor rate in respect thereof, and pays or tenders to the overseers of the parish where the property is situate the full amount of the poor rate last made in respect of the property, the overseers

Claim by
occupier to
be rated.

(*f*) See sect. 9 (2) (*b*), and the note thereto, *ante*.

shall put the occupier's name on the rate book in respect of that rate (*g*).

(2.) If they fail to do so, he shall nevertheless for the purposes of this Act be deemed rated to that rate.

Rules as to
qualification
of burgess on
succession, &c.

33.—(1.) Where a person succeeds to qualifying property (*h*) by descent, marriage, marriage settlement, devise, or promotion to a benefice or office, then, for the purpose of qualification, the occupancy of the property by a predecessor in title, and the rating of the predecessor in respect thereof, shall be equivalent to the occupancy and rating of the successor; and rating in the name of the predecessor shall, until a new rate is made after the date of succession, be equivalent to rating in the name of the successor; and the successor shall not be required to prove his own residence, occupancy, or rating before the succession.

(2.) The qualifying property (*h*) need not be throughout the twelve months constituting the period of qualification the same property or in the same parish.

(3.) Where by law a borough rate (*hh*) is payable by instalments, payment by any person of any such instalment shall, as regards his qualification to be enrolled as a burgess (*hh*), be deemed a payment of the borough rate in respect of the period to which the instalment applies.

(*g*) By the Poor Rate Assessment and Collection Act, 1869, 32 & 33 Vict. c. 41, s. 19, it is provided that "the overseers in making out the poor rate shall, in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, enter in the occupier's column of the rate book the name of the occupier of every rateable hereditament, and such occupier shall be deemed to be duly rated for any qualification or franchise as aforesaid, and if any overseer negligently, or wilfully, and without reasonable cause omits the name of the occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such overseer shall for every such omission or mis-statement, be liable, on summary conviction, to a penalty not exceeding two pounds, provided that any occupier whose name has been omitted shall, notwithstanding such omission, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating in the same manner as if his name had not been so omitted."

(*h*) See sect. 9 (2) (b), *ante*; and see the County Electors Act, s. 2 (2), *ante*, p. 164.

(*hh*) See the County Electors Act, s. 2 (2), *ante*, p. 164.

(4.) A person shall not be disentitled to be enrolled as a burgess by reason only (*i*)—

(a) That he has received medical or surgical assistance from the trustees of the municipal charities, or has been removed, by order of a justice, to a hospital or place for reception of the sick, at the cost of any local authority (*k*); or

(b) That his child has been admitted to and taught in any public or endowed school (*l*).

34.—(1.) Every qualified person elected to a corporate office, unless exempt under this section or otherwise by law (*m*), either shall accept the office by making and subscribing the declaration (*n*) required by this Act within *five* days (*o*) after notice of election (*p*), or shall, in lieu thereof, be liable to pay to the council a fine of such amount not exceeding, in case of an alderman (*q*), councillor, elective

Obligation to accept office or pay fine.

(*i*) See sect. 9 (3) (b), *ante*. For “burgess” read “burgess or county elector.”

(*k*) See the Public Health Act, 1875, s. 124. (Local and Municipal Government, p. 105.)

(*l*) The Elementary Education Act, 1870 (33 & 34 Vict. c. 75), s. 17, provides that remission of school fees under that Act, in the case of a child, shall not be deemed to be parochial relief given to the parent; and the Elementary Education Act, 1876 (39 & 40 Vict. c. 79), s. 10, provides that payment by the guardians of the school fee of a non-pauper child, whose parent is unable by poverty to pay the fee, shall not deprive the parent of any franchise, right, or privilege, or subject him to any disability or disqualification.

(*m*) *I. e.*, (1) commissioned officers in the army on full pay (44 & 45 Vict. c. 58, s. 146), who are incapable of serving, and see sect. 253, *post*; (2) men enrolled and officers under Reserve Forces Act, 1882 (45 & 46 Vict. c. 48), s. 7; (3) Postmaster-General and Officers of Post Office, 7 Will. 4 & 1 Vict. c. 33, s. 12; (4) Officers of Inland Revenue, 16 & 17 Vict. c. 59, s. 17; (5) of Customs, 39 & 40 Vict. c. 36, s. 9; (6) inspectors of factories, 41 & 42 Vict. c. 16, s. 67; (7) registered medical practitioners, 21 & 22 Vict. c. 90, s. 35; and (8) dentists, 41 & 42 Vict. c. 33, s. 30, who are not compelled to serve; and see also sect. 36 (3), *post*.

(*n*) See sect. 35, *post*. (*o*) See sect. 230, *post*. In the case of county councils for “five” read “ten days”: L. G. Act, s. 75 (14), p. 102.

(*p*) “Notice of election” means “regular notice . . . either by being actually present when it is announced, or by being apprised of the fact by some official authority”: *R. v. Preece*, 5 Q. B. 94; 12 L. J. Q. B. 335; 7 Jur. 896.

(*q*) As to the effect of an alderman being elected a councillor, see *Reg. v. Mayor of Bangor*, L. R. 13 App. Cas. 241.

auditor, or revising assessor (*qq*), fifty pounds, and in case of a mayor one hundred pounds, as the council by bye-law determine. [But see L. G. Act, s. 75 (16) (c), *ante*, p. 103.]

(2.) If there is no bye-law determining fines, the fine, in case of an alderman, councillor, elective auditor, or revising assessor, shall be twenty-five pounds, and in case of a mayor fifty pounds.

(3.) The persons exempt under this section are—

- (a) Any person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body; and
- (b) Any person who, being above the age of sixty-five years, or having within five years before the day of his election either served the office or paid the fine for non-acceptance thereof, claims exemption within five days after notice of his election.

(4.) A fine payable under this section shall be recoverable summarily.

Declaration
on acceptance
of office.

35. A person elected to a corporate office shall not, until he has made and subscribed before two members of the council, or the town clerk (*r*), a declaration as in the Eighth Schedule, act in the office except in administering that declaration (*s*).

Fine on resig-
nation, &c.

36.—(1.) A person elected to a corporate office may at any time, by writing signed by him and delivered to the town clerk, resign the office, on payment of the fine provided for non-acceptance thereof (*ss*).

(2.) In any such case the council shall forthwith declare the office to be vacant, and signify the same by notice in writing, signed by three members of the council and countersigned by the town clerk (*r*), and fixed on the town hall (*t*), and the office shall thereupon become vacant.

(3.) No person enabled by law to make an affirmation instead of taking an oath (*tt*) shall be liable to any fine for

(*qq*) See note (*a*), p. 189, *ante*.

(*r*) As applied to the county council, for “town clerk,” read “clerk of the county council”: L. G. Act, s. 75 (5), p. 101.

(*s*) See sect. 239, *post*; and see *R. v. Mayor, &c. of Bangor*, L. R. 18 Q. B. D. 349; *Reg. v. Corporation of Wigan*, L. R. 14 Q. B. D. 908; 54 L. J. Q. B. 328; 52 L. T. N. S. 435; 33 W. R. 547; 49 J. P. 372.

(*ss*) See sect. 34. (*t*) See sect. 232, *post*, p. 241, and L. G. Act, ss. 3 (iv.) and 106 (3), pp. 6 and 135.

non-acceptance of office by reason of his refusal on conscientious grounds to take any oath or make any declaration required by this Act or to take on himself the duties of the office.

37. A person ceasing to hold a corporate office shall, unless disqualified to hold the office, be re-eligible. Re-eligibility of office holders.

38. The mayor (*tt*) and aldermen shall, during their respective offices, continue to be members of the council, notwithstanding anything in this Act as to councillors going out of office at the end of three years (*u*). Mayor and aldermen to continue members of council.

- 39.**—(1.) If the mayor (*tt*), or an alderman or councillor—
- (a) Is declared bankrupt, or compounds by deed with his creditors, or makes an arrangement or composition with his creditors, under the Bankruptcy Act, 1869, by deed or otherwise (*x*) ; or
 - (b) Is (except in case of illness) continuously absent from the borough, being mayor (*xx*), for more than two months, or, being alderman or councillor, for more than six (*y*) months :

he shall thereupon immediately become disqualified and shall cease to hold the office (*yy*).

(2.) In any such event the council shall forthwith declare the office to be vacant, and signify the same by notice signed by three members of the council, and countersigned by the town clerk, and fixed on the town hall (*z*), and the office shall thereupon become vacant.

(*tt*) For “mayor” read “chairman.”

(*u*) See sect. 13, *ante*.

(*x*) A composition, not under the Bankruptcy Act, does not disqualify if no composition deed is executed: *Aslatt v. Southampton*, L. R. 16 Ch. D. 143; 50 L. J. Ch. 31; 43 L. T. N. S. 464; 29 W. R. 117; *R. v. Cooban*, L. R. 18 Q. B. D. 269; 56 L. J. M. C. 33. The existing Bankruptcy Act is the Bankruptcy Act, 1884.

(*xx*) This does not apply to chairmen, or deputy chairmen, of county councils: L. G. Act, s. 75 (16) (c).

(*y*) In the case of county councils, for “six” read “twelve months”: L. G. Act, s. 75 (14), p. 102.

(*yy*) As to whether the office is thereby rendered void, without the declaration in sub-sect. (2) of this section being thereupon made, see *Hardwick v. Brown*, L. R. 8 C. P. 406; 28 L. T. N. S. 502; and see also *R. v. Blizard*, L. R. 2 Q. B. 55; 36 L. J. Q. B. 18.

(*z*) See note (*t*), p. 194, *ante*.

(3.) Where a person becomes so disqualified by being declared bankrupt, or compounding, or making an arrangement or composition, as aforesaid, the disqualification, as regards subsequent elections, shall, in case of bankruptcy, cease on his obtaining his order of discharge, and shall, in case of a compounding or composition, as aforesaid, cease on payment of his debts in full, and shall, in case of an arrangement as aforesaid, cease on his obtaining his certificate of discharge.

(4.) Where a person becomes so disqualified by absence, he shall be liable to the same fine as for non-acceptance of office (b), recoverable summarily, but the disqualification shall, as regards subsequent elections, cease on his return.

Filling of
casual
vacancies.

40.—(1.) On a casual vacancy in a corporate office, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy; and the person elected shall hold the office until the time when the person in whose place he is elected would regularly have gone out of office, and he shall then go out of office (c).

(2.) In case of more than one casual vacancy in the office of councillor being filled at the same election, the councillor elected by the smallest number of votes shall be deemed to be elected in the place of him who would regularly have first gone out of office, and the councillor elected by the next smallest number of votes shall be deemed to be elected in the place of him who would regularly have next gone out of office, and so with respect to the others; and if there has not been a contested election, or if any doubt arises, the order of rotation shall be determined by the council.

(b) See sect. 34, *ante*.

(c) Where a casual vacancy in the office of county councillor occurs within *six* months before the time for a new election, an election to fill the vacancy is not to be held: L. G. Act, s. 75 (16) (d), p. 103, *ante*. As to the time for filling casual vacancies, see sect. 66, *post*.

Where an election to supply a casual vacancy and an ordinary election take place on the same day, a clear distinction should be made between the two elections and the candidates for each, both in the notice of election and all other proceedings: *R. v. Rowley*, 3 Q. B. 143; 6 Q. B. 668; *R. v. Leeds*, 7 A. & E. 963; 2 Jur. 345; and see *R. v. Rippon*, L. R. 1 Q. B. D. 217; 45 L. J. Q. B. 188; 34 L. T. N. S. 444; 24 W. R. 363.

(3.) Non-acceptance of office by a person elected creates a casual vacancy.

41.—(1.) If any person acts in a corporate office without having made the declaration by this Act required (*d*), or without being qualified at the time of making the declaration, or after ceasing to be qualified, or after becoming disqualified, he shall for each offence be liable to a fine not exceeding fifty pounds, recoverable by action (*e*).

Penalty on unqualified person acting in office.

(2.) A person being in fact enrolled in the burgess roll (*ee*) shall not be liable to a fine for acting in a corporate office on the ground only that he was not entitled to be enrolled therein.

42.—(1.) The acts and proceedings of a person in possession of a corporate office, and acting therein, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified (*f*).

Validity of acts done notwithstanding disqualification, &c.

(2.) An election of a person to a corporate office shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person before whom the election was had, if that person was then in actual possession of, or acting in, the office giving the right to preside at the election.

(3.) A burgess roll (*ee*) shall not be liable to be questioned by reason of a defect in the title, or want of title, of the mayor or any revising authority by whom it is revised, if he was then in actual possession and exercise of the office of mayor or revising authority.

43. If there is no town clerk and no deputy town clerk, or there is no treasurer, or the town clerk, deputy town clerk, or treasurer (as the case may be) is incapable of acting, all acts

Duties of town clerk, deputy, and treasurer, during

(*d*) See sect. 35, *ante*.

(*e*) As to notice of action, &c., see sect. 224, *post*. Under the previous enactment it was held that a person disqualified by reason of a contract with the borough, who does not act during the existence of the contract, is not liable to the penalty for acting after the contract has ceased: *Lewis v. Carr*, L. R. 1 Ex. D. 484; 46 L. J. Ex. 314; 36 L. T. N. S. 44; 24 W. R. 940.

(*ee*) As applied to the county, for "burgess roll" read "burgess roll or county register:" Co. Electors Act, s. 7 (2), p. 170.

(*f*) See further, sect. 102, *post*.

ss. 43—45.

vacancy or
incapacity.

by law authorised or required to be done by or with respect to the town clerk or the treasurer (as the case may be) may, subject to the provisions of any other Act, be done by or with respect to a person appointed in that behalf by the mayor (*c*).

PART III.

PREPARATIONS FOR AND PROCEDURE AT ELECTIONS.

Parish Burgess Lists; Burgess Rolls; Ward Rolls.

Preparation
and revision
of parish bur-
gess lists.
41 & 42 Vict.
c. 26.

44.—(1.) Where the whole or part of the area of a borough is co-extensive with or included in the area of a parliamentary borough, the lists of burgesses are to be made out and revised, and claims and objections relating thereto are to be made, in accordance with the provisions of the Parliamentary and Municipal Registration Act, 1878 (*d*).

(2.) *Where no part of the area of a borough is co-extensive with or included in the area of a parliamentary borough, the lists of burgesses shall be made out and revised, and claims and objections relating thereto may be made, in accordance, as nearly as may be, with the provisions of Part I. of the Third Schedule.* (See now Co. Electors Act, s. 4, *ante*, p. 164.)

(3.) In either case the lists shall be styled the parish burgess lists.

The burgess
roll and ward
rolls.

45.—(1.) When the parish burgess lists have been revised and signed, the revising authority shall deliver them to the town clerk (*ee*), and a printed copy thereof, examined by him and signed by him, shall be the burgess roll of the borough (*f*).

(2.) The burgess roll (*ee*) shall be completed on or before the twentieth of October in each year, and shall come into operation on the first of November in that year, and shall continue in operation for the twelve months beginning on that day (*g*).

(*c*) It would seem that for “mayor” may be read “chairman of county council.”

(*d*) See L. G. Act, s. 76(1), and Co. Electors Act, s. 4 (2) (*e*), pp. 106 and 166, *ante*.

(*ee*) For “town clerk,” “burgess roll,” “ward roll,” “ward,” and “borough fund” in this section, or ss. 48 or 71, read “clerk of the peace,” “county register,” “division register,” “electoral division,” and “county fund” respectively: Co. Electors Act, s. 7 (2), p. 170.

(*f*) As to obtaining copy of this on payment, see sect. 48 (1), *post*.

(*g*) This is in accordance with the law as laid down in *Budge v. Andrews*, L. R. 3 C. P. D. 510; 47 L. J. C. P. 586; 39 L. T. N. S. 166.

(3.) The names in the burgess roll (*gg*) shall be numbered by wards (*gg*) or by polling districts, unless in any case the council direct that the same be numbered consecutively without reference to wards (*gg*) or polling districts (*h*).

(4.) Where the borough has no wards (*gg*), the burgess roll (*gg*) shall be made in one general roll for the whole borough.

(5.) Where the borough has wards (*gg*), the burgess roll (*gg*) shall be made in separate rolls, called ward rolls (*gg*), one for each ward, containing the names of the persons entitled to vote in that ward (*gg*), and the ward rolls (*gg*) collectively shall constitute the burgess roll (*gg*).

(6.) A burgess (*hh*) shall not be enrolled in more than one ward roll (*gg*).

(7.) Where a duplicate of a burgess list is made under section thirty-one of the Parliamentary and Municipal Registration Act, 1878 (*i*), it shall have the same effect as the original, and may be delivered instead thereof.

(8.) Every person enrolled in the burgess roll (*gg*) shall be deemed to be enrolled as a burgess, and every person not enrolled in the burgess roll (*gg*) shall be deemed to be not enrolled as a burgess.

(9.) No stamp duty shall be payable in respect of the enrolment of a burgess (*hh*).

46.—(1.) If and as far as the council so direct, the parish burgess lists, and the burgess roll, and the ward rolls (if any), and the lists of claimants and respondents, or any of those documents, shall be arranged in the same order in which the qualifying properties appear in the rate book for the parish in which they are situate, or otherwise in such order as will cause those lists and rolls to record the qualifying properties in successive order in the street or other place in which they are situate (*ii*).

Arrangement
of lists and
rolls.

(2.) Subject to any such direction, and to the provisions of this Act as to polling districts (*k*), the arrangement of the lists and rolls shall be alphabetical.

(*gg*) See note (*ee*), *ante*, p. 198.

(*h*) See sect. 64, *post*.

(*hh*) Read "county elector."

(*i*) See the provisions of this Act (Loc. & Mun. Gov., p. 1280).

(*ii*) See Co. Electors Act, s. 4 (2) (e), p. 166, *ante*.

(*k*) See sect. 64, *post*.

ss. 47—49.

Correction of
burgess roll.

47.—(1.) Where the parish burgess lists are revised under the Parliamentary and Municipal Registration Act, 1878, the burgess roll is subject to alteration or correction in manner provided by section thirty-five of that Act (*l*).

(2.) Where the parish burgess lists are revised under this Act, any person whose claim has been rejected or name expunged at the revision of the lists may apply, within two months after the last sitting of the revision court, to the High Court in the Queen's Bench Division for a *mandamus* to the mayor to insert his name in the burgess roll; and thereupon the Court shall inquire into the title of the applicant to be enrolled (*m*).

(3.) If the Court grants a *mandamus*, the mayor shall insert the name in the burgess roll, and shall add thereto the words "by order of Her Majesty's High Court of Justice," and shall subscribe his name to those words (*m*).

Printing and
sale of burgess
roll and other
documents.

48.—(1.) The town clerk (*mm*) shall cause the parish burgess lists, the lists of claimants and respondents, and the burgess roll (*mm*), to be printed, and shall deliver printed copies to any person on payment of a reasonable price for each copy (*n*).

(2.) Subject to section thirty of the Parliamentary and Municipal Registration Act, 1878 (*o*), the proceeds of sale shall go to the borough fund (*mm*).

Separate list
of persons
qualified to be
councillors
but not to be
burgesses.

49.—(1.) The overseers of each parish shall at the same time that they make the parish burgess list make a list of the persons entitled in respect of the occupation of property in that parish to be elected councillors, as being resident within fifteen miles although beyond seven miles from the borough (*p*).

(2.) The provisions of this Act as to the parish burgess lists, and claims and objections relating thereto, and the

(*l*) See this Act (Loc. & Mun. Gov. 1288).

(*m*) See now Co. Electors Act, s. 4, p. 164, *ante*.

(*mm*) See note (*ee*), *ante*, p. 198.

(*n*) "Reasonable price" is here substituted for "one shilling" in the previous enactment (5 & 6 Will. 4, c. 76, s. 17).

(*o*) See this Act (Loc. & Mun. Gov. p. 1287).

(*p*) See Co. Electors Act, s. 12, and note thereto, *ante*, pp. 173, 174; and see sect. 11 (2), and note thereto, *ante*, p. 179.

revision of those lists shall, as nearly as circumstances admit, apply to the lists made under this section.

(3.) The town clerk shall arrange the names entered in these lists, when revised, in alphabetical order as a separate list (in this Act called the separate non-resident list), with an appropriate heading, at the end of the burgess roll.

Election of Councillors.

50.—(1.) Where a borough has no wards, there shall be one election of councillors for the whole borough. Borough and ward elections.

(2.) Where a borough has wards, there shall be a separate election of councillors for each ward (*q*).

51.—(1.) At an election of councillors a person shall be entitled to subscribe a nomination paper, and to demand and receive a voting paper, and to vote, if he is enrolled in the burgess roll (*qq*), or, in the case of a ward (*qq*) election, the ward roll (*qq*), and not otherwise. Title to vote.

(2.) No person shall subscribe a nomination paper in or for more than one ward (*qq*), or vote in more than one ward (*r*).

(3.) Nothing in this section shall entitle any person to do any act therein mentioned who is prohibited by law from doing it, or relieve him from any penalty to which he may be liable for doing it.

52. The ordinary day of election of councillors shall be the first of November (*s*). Day of election.

53.—(1.) *At an election of councillors for a whole borough the returning officer shall be the mayor (t).* Returning officer at election.

(*q*) For “borough” and “ward” read “county” and “electoral division”: L. G. Act, s. 2, p. 2. As to notices of elections, see sect. 65, *post*.

(*qq*) For “burgess roll,” “ward,” and “ward roll” read “burgess roll or county register,” “ward or electoral division,” and “ward roll or division register.” (*r*) See also sect. 45 (6), *ante*.

(*s*) As to omission to hold election or in case of void election, see sect. 70, *post*. As to computation of time, see sect. 230, *post*. The election of county councillors and of the councillors of the borough are to be conducted together (Local Government Act, s. 75 (1), *ante*, p. 100). As to the first election of county councillors, see Local Government Act, s. 103.

(*t*) A candidate is “incapable of acting” as returning officer at his own election: *R. v. White*, L. R. 2 Q. B. 557; 36 L. J. Q. B. 267; 16 L. T. N. S. 828; 15 W. R. 988. See also *R. v. Blizard*, L. R. 2 Q. B. 55; 36 L. J. Q. B. 18; 15 L. T. N. S. 242; 15 W. R. 105; *R. v. Owens*,

(2.) *At an election for a ward the returning officer shall be an alderman assigned for that purpose by the council at the meeting of the ninth of November (u).* [The returning officer for the election of county councillors is to be appointed by the county council, and he may appoint a deputy, except in the borough divisions, where the returning officer remains the same as before and is subject to the returning officer for the county: Local Government Act, s. 75 (2), (3), (6), *ante*. For the first election the sheriff is returning officer: *Ib.* s. 103 (2), (3).]

Notice of election.

54. Nine days (*v*) at least before the day for the election of a councillor, the *town clerk* [see now Loc. Gov. Act, s. 75 (5), (6), *ante*, p. 101] shall prepare and sign a notice thereof, and publish it by fixing it on the town hall (*x*), and, in the case of a ward election, in some conspicuous place in the ward (*y*).

Nomination of candidates.

55. The nomination of candidates for the office of councillor shall be conducted in accordance with the rules in Part II. of the Third Schedule.

Relation of nomination to election.

56.—(1.) If the number of valid nominations (*z*) exceeds that of the vacancies, the councillors shall be elected from among the persons nominated.

(2.) If the number of valid nominations (*z*) is the same as that of the vacancies, the persons nominated shall be deemed to be elected.

(3.) If the number of valid nominations (*z*) is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring councillors for the borough or ward (*zz*) as were highest on the poll at their

2 E. & E. 86; 28 L. J. Q. B. 316; 33 L. T. N. S. 257; 5 Jur. N. S. 764; 7 W. R. 566.

As to defect in title of returning officer, see sect. 42 (2), *ante*.

(*u*) See the preceding note.

(*v*) See sect. 230, *post*.

(*x*) See sect. 232, *post*. In county divisions a place is to be fixed by the returning officer: L. G. Act, s. 75 (7), p. 101.

(*y*) If the notice be so defective as to be calculated to mislead the candidates, and so prevent a fair election, the whole proceeding will be void: *Howes v. Turner*, L. R. 1 C. P. D. 670; 45 L. J. C. P. 550; 35 L. T. N. S. 58. As to case of void election, see sect. 70, *post*.

(*z*) As to decision as to validity of nominations, see Third Schedule, Part II., r. 9, *post*.

(*zz*) Read "borough, or county, or ward, or electoral division."

election, or, if the poll was equal, or there was no poll, as are selected for that purpose by the mayor (*a*), shall be deemed to be re-elected to make up the required number.

(4.) If there is no valid nomination (*aa*) the retiring councillors shall be deemed to be re-elected.

57. If an election of councillors is not contested, the returning officer shall publish a list of the persons elected not later than eleven o'clock in the morning on the day of election (*b*).

Publication of uncontested election.

58.—(1.) If an election of councillors is contested, the poll shall, as far as circumstances admit, be conducted as the poll at a contested parliamentary election is by the Ballot Act, 1872 (*c*), directed to be conducted, and, subject to the modifications expressed in Part III. of the Third Schedule, and to the other provisions of this Act, the provisions of the Ballot Act, 1872, relating to a poll at a parliamentary election (including the provisions relating to the duties of the returning officer after the close of the poll), shall apply to a poll at an election of councillors.

Mode of conducting poll at contested election.

35 & 36 Vict. c. 33.

(2.) Every person entitled to vote may vote for any number of candidates not exceeding the number of vacancies.

(3.) The poll shall commence at eight o'clock in the forenoon and close at eight o'clock in the afternoon of the same day (*d*).

(4.) But if one hour elapses during which no vote is tendered, and the returning officer has not received notice that any person has within that hour been prevented from coming to the poll by any riot, violence, or other unlawful means, the returning officer may, if he thinks fit, close the poll at any time before four o'clock (*e*).

(5.) Where an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of those candidates to be declared elected, the returning

(*a*) In elections for county divisions the returning officer: L. G. Act, s. 75 (2), p. 100.

(*aa*) As to decision as to validity of nominations, see Third Schedule, Part II., r. 9, *post*.

(*b*) Greenwich time: 43 & 44 Vict. c. 9, s. 1.

(*c*) See this Act (Loc. & Mun. Gov. p. 1264).

(*d*) These hours are fixed by the Elections (Hours of Poll) Act, 1885 (48 Vict. c. 10), s. 2. Greenwich time: 43 & 44 Vict. c. 9, s. 1.

officer, whether entitled or not to vote in the first instance, may give such additional vote by word of mouth or in writing.

(6.) Nothing in the Ballot Act, 1872, as applied by this Act, shall be deemed to authorize the appointment of any agents of a candidate at a municipal election; but if, in the case of a municipal election, an agent of a candidate is appointed, and notice in writing of the appointment is given to the returning officer one clear day before the polling day, then the provisions of the Ballot Act, 1872, with respect to agents of candidates, shall, as far as regards that agent, apply in the case of that election (e).

Questions
which may be
put to voters.

59.—(1.) At an election of councillors, the presiding officer shall, if required by two burgesses (ee), or by a candidate or his agent, put to any person offering to vote, at the time of his presenting himself to vote, but not afterwards, the following questions or either of them :—

(a) Are you the person enrolled in the burgess [*or ward (ee)*] roll now in force for this borough (ee) [*or ward (ee)*] as follows [*read the whole entry from the roll*] ?

(b) Have you already voted at the present election [*add, in case of an election for several wards (ee), in this or any other ward (ee)*] ?

(2.) The vote of a person required to answer either of these questions shall not be received until he has answered it.

(3.) If any person wilfully makes a false answer thereto he shall be guilty of a misdemeanour.

(4.) Save as by this Act authorized, no inquiry shall be permitted at an election as to the right of any person to vote.

Election of Aldermen.

60.—(1.) The ordinary day of election of aldermen shall be the *ninth* (f) of November, and the election shall be held at the quarterly meeting of the council (ff).

(e) See *Clementson v. Mason*, L. R. 10 C. P. 209; 44 L. J. C. P. 171; 32 L. T. N. S. 325; 23 W. R. 620.

(ee) For “burgess,” “ward,” “borough,” read “burgess or county elector,” “ward or electoral division,” “borough or county,” as the case may be.

(f) The *seventh* of November is the day of election of county aldermen: L. G. Act, s. 75 (13), p. 102.

(ff) As to election of aldermen, see sect. 14 (6), *ante*. As to the computation of time, see sect. 230, *post*. As to omission to hold elec-

Time and
mode of
election of
aldermen.

(2.) The election shall be held immediately after the election of the mayor (*g*), or, if there is a sheriff, the appointment of the sheriff.

(3.) *An outgoing alderman, although mayor elect, shall not vote (h).*

(4.) Every person entitled to vote may vote for any number of persons not exceeding the number of vacancies, by signing and personally delivering at the meeting to the chairman a voting paper containing the surnames and other names and places of abode and descriptions of the persons for whom he votes (*i*).

(5.) The chairman (*j*), as soon as all the voting papers have been delivered to him, shall openly produce and read them, or cause them to be read, and then deliver them to the town clerk (*jj*) to be kept for twelve months.

(6.) In case of equality of votes the chairman, although as an outgoing alderman or otherwise not entitled to vote in the first instance, shall have the casting vote.

(7.) The persons, not exceeding the number of vacancies, who have the greatest number of votes, shall be declared by the chairman to be, and thereupon shall be, elected.

tion, see sect. 70, *post*. As to quarterly meeting, see Second Schedule, rule 2, *post*.

(*g*) See sect. 61, *post*.

(*h*) In the election of county aldermen, aldermen as such do not vote at all: Loc. Gov. Act, s. 2 (2) (*c*), *ante*, p. 2.

(*i*) These voting papers do not require a stamp: *R. v. Strachan*, L. R. 7 Q. B. 463; 41 L. J. Q. B. 210; 26 L. T. N. S. 835; 20 W. R. 629. In *Mather v. Brown*, L. R. 1 C. P. D. 596; 45 L. J. C. P. 547; 34 L. T. N. S. 869; 24 W. R. 736 (decided under 38 & 39 Vict. c. 40, s. 1 (2)), it was held that the description of the name of a candidate, whose name was Robert Vicars Mather, as "Robert V. Mather," was not a statement of "the surname and other names of the person nominated." But see *Henry v. Armitage*, 32 W. R. 192 (C. A.), "Wm." for "William," held good under 38 & 39 Vict. c. 40, s. 1 (2), and Schedule I., Form 2, now repealed; *R. v. Plenty*, L. R. 4 Q. B. 346; 38 L. J. Q. B. 205; 20 L. T. N. S. 521; *R. v. Bradley*, 3 E. & E. 634; 30 L. J. Q. B. 180; 3 L. T. N. S. 853; 7 Jur. N. S. 757; *R. v. Deighton*, 5 Q. B. 896; 13 L. J. Q. B. 241; 8 Jur. 686 (place of business given instead of place of abode); and as to misnomer, &c., in voting paper, see sect. 241, *post*.

(*j*) See Second Schedule, rule 9, *post*.

(*jj*) Read "clerk of county council": L. G. Act, s. 75 (5), p. 101.

Time and mode of election of mayor.

Appendix.

Election of Mayor.

61.—(1.) The ordinary day of election of mayor shall be the ninth of November (*k*).

(2.) The election of mayor [chairman] shall be the first business transacted at the quarterly meeting of the council on the day of election.

(3.) An outgoing alderman may vote although the person for whom he votes is an alderman (*kk*).

(4.) In case of equality of votes, the chairman (*l*), although not entitled to vote in the first instance, shall have the casting vote.

Election of Auditors and Assessors.

Time and mode of election of auditors and assessors.

62.—(1.) The ordinary day of election of elective auditors shall be the first of March, or such other day as the council, with the approval of the Local Government Board, from time to time appoint (*m*).

(2.) The ordinary day of election of revising assessors (*mm*) shall be the first of March (*m*).

(3.) If the election of elective auditors and that of revising assessors (*mm*) are held at the same time, then at the poll one voting paper only shall be used by any person voting. The names of the candidates for the respective offices shall be therein separate, and distinguished so as to show the office for which each is a candidate, and the provisions of the Ballot Act, 1872, shall be varied accordingly; but in the counting of the votes every voting paper shall be deemed to be a separate voting paper in respect of each office, and any objections thereto shall be considered and dealt with accordingly.

(4.) An elector shall not vote for more than one person to be elective auditor or revising assessor (*mm*).

(5.) Elections of elective auditors and of revising assessors (*mm*)

(*k*) The day of election of the chairman of the county council is the 7th: L. G. Act, s. 75 (13), p. 102. See note (*f*) to the preceding section. As to qualification, term of office, &c., of mayor, or chairman of county council, see sect. 15, *ante*.

The election of mayor, or chairman of county council, must precede that of aldermen: *R. v. McGowan*, 11 A. & E. 869; 4 Jur. 913.

(*kk*) But outgoing aldermen cannot as such vote in the election of chairman of a county council: L. G. Act, s. 75 (10), p. 102.

(*l*) See Second Schedule, rule 9, *post*.

(*m*) The provisions of this Act as to borough auditors do not apply to the county council: L. G. Act, s. 75 (16) (b).

(*mm*) But as to revising assessors, see County Electors Act, s. 4 (1) (a), *ante*, p. 164.

shall be held at the town hall or some one other convenient place appointed by the mayor (*n*).

(6.) Save as in this section provided, all the provisions of this Act with respect to the nomination and election of councillors for a borough not having wards shall apply to the nomination and election of elective auditors and revising assessors (*o*).

Supplemental and Exceptional Provisions.

63. For all purposes connected with and having reference to the right to vote at municipal elections (*oo*) words in this Act importing the masculine gender include women (*p*). Right of women to vote.

64. The council may divide the borough or any ward into polling districts, and thereupon the overseers shall, as far as practicable, make out the parish burgess lists so as to divide the names in conformity with the polling districts (*q*). Polling districts.

65. Any notice required to be given in connexion with a municipal election may, as to elective auditors and revising assessors, be comprised in one notice (*r*), and may, as to ward elections, comprise matter necessary for several wards (*s*). Notices as to elections.

66.—(1.) On a casual vacancy in a corporate office, the election shall be held within fourteen days after notice in writing of the vacancy has been given to the mayor or town clerk by two burgesses (*t*). Time for filling casual vacancies.

(2.) Where the office vacant is that of mayor (*t*), the notice of the meeting for the election shall be signed by the town clerk (*t*).

(3.) In other cases the day of election shall be fixed by the mayor (*t*).

67.—(1.) If the mayor is dead, or is absent or otherwise Illness, &c. of mayor or

(*n*) But see sect. 69, *post*.

(*o*) See sects. 51, 53—59, *ante*, and Third Schedule, Parts II. and III., *post*. As to revising assessors, see note (*mm*), p. 206.

(*oo*) Or elections of county councillors: County Electors Act, s. 2 (2), *ante*, p. 164.

(*p*) See *R. v. Harvald*, L. R. 7 Q. B. 361; 41 L. J. Q. B. 173; 26 L. T. N. S. 616; 20 W. R. 328; 36 J. P. 438.

(*q*) See sects. 45 (3), and 46, *ante*; and Loc. Gov. Act, s. 2 (2) (e), and (3) (c), *ante*; and pp. 344 *et seq.*, *post*. (*r*) See sect. 62 (3), *ante*.

(*s*) See sect. 50 (2), *ante*. For “ward” read “electoral division.”

(*t*) See sects. 40, *ante*, and 70, *post*. As applied to county councils, for “mayor” or “town clerk,” in sub-s. (1), read “chairman” or “clerk of the county council”; and in sub-ss. (2) and (3), read “returning officer or his deputy.” For “burgesses” read “burgesses or county electors.” As to casual vacancies at first election, see L. G. Act, s. 107 (2).

ss. 67—70.

returning
officer.

incapable of acting (*u*) in the execution of his powers and duties as to elections under this Act, the council shall forthwith choose an alderman to execute those powers and duties in the place of the mayor.

(2.) In case of the illness, absence, or incapacity to act of the alderman assigned to be returning officer at a ward election, the mayor may appoint to act in his stead another alderman, or if the number of aldermen does not exceed the number of wards, a councillor not being a councillor for that ward, and not being enrolled in the ward roll for that ward (*x*).

Election of
councillor in
more than
one ward.

68. If a person is elected councillor in more than one ward, he shall, within three days after notice thereof, choose, by writing signed by him and delivered to the mayor, or in his default the mayor shall, within three days after the time for choice has expired, declare for which of those wards he shall serve, and the choice or declaration shall be conclusive (*y*).

Elections not
in churches.

69. A municipal election shall not be held in any church, chapel, or other place of public worship (*z*).

Omission to
hold election,
or election
void.

70.—(1.) If a municipal election is not held on the appointed day or within the appointed time, it may be held on the day next after that day or the expiration of that time (*z*).

(2.) If a municipal election is not held on the appointed day or within the appointed time, or on the day next after that day or the expiration of that time, or becomes void, the municipal corporation shall not thereby be dissolved or be disabled from electing, but the High Court may, on motion, grant a *mandamus* for the election to be held on a day appointed by the Court (*z*).

(3.) Thereupon public notice of the election shall, by such person as the Court directs, be fixed on the town hall (*a*), and

(*u*) See *R. v. White*, L. R. 2 Q. B. 557; 36 L. J. Q. B. 267; 16 L. T. N. S. 828; 15 W. R. 988.

(*x*) See s. 53, *ante*. As to the application of these provisions to elections of county councillors, see, as to county electoral divisions, L. G. Act, s. 75 (2), (3), (4), and as to borough electoral divisions, *Ibid*, s. 75 (6).

(*y*) See the preceding note. As to computation of time, see s. 230, *post*.

(*z*) After "municipal election" and "municipal corporation" in these sections read "or election of members of a county council," and "or county council respectively." See s. 230, *post*.

(*a*) See s. 232, *post*.

shall be kept so fixed for at least six days before the day appointed for the election (*b*); and in all other respects the election shall be conducted as directed by this Act respecting ordinary elections.

71.—(1.) If a parish burgess list is not made or revised in due time, the corresponding part of the burgess roll (*bb*) in operation before the time appointed for the revision shall be the parish burgess list until a burgess list for the parish has been revised and become part of the burgess roll (*c*).

Burgess roll to be in operation until revision of new burgess roll.

(2.) If a burgess roll (*bb*) is not made in due time, the burgess roll in force before the time appointed for the revision shall continue in force until the new burgess roll (*bb*) is made.

72. An election shall not be invalidated by non-compliance with the rules in the Third Schedule, or mistake in the use of the forms in the Eighth Schedule, if it appears to the Court having cognizance of the question that the election was conducted in accordance with the principles laid down in the body of this Act (*d*).

Non-compliance with rules.

73. Every municipal election (*dd*) not called in question within twelve months after the election, either by election petition (*e*) or by information in the nature of a *quo warranto* (*f*),

Election valid unless questioned within twelve months.

(*b*) See sect. 230, *post*.

(*bb*) See note (*ee*), *ante*, p. 198.

(*c*) As to burgess lists and burgess roll, &c., see sects. 44 and 45, *ante*.

(*d*) This reproduces Ballot Act, 1872, 35 & 36 Vict. c. 33, s. 13, omitting the words “and that such non-compliance or mistake did not affect the result of the election.” Under this latter Act it has been held that a double nomination of a candidate does not invalidate his election: *Northcote v. Pulsford*, L. R. 10 C. P. 476; 44 L. J. C. P. 217; 32 L. T. N. S. 602; 23 W. R. 700. See also *Woodward v. Sarsons*, L. R. 10 C. P. 733; 44 L. J. C. P. 293; 32 L. T. N. S. 867. Where a returning officer allowed an objection to a nomination paper on the ground that the number on the burgess roll of the burgess nominating the candidate was incorrectly stated, the number “704” being given instead of “695,” it was held that the objection was rightly allowed, and that sect. 13 of the Ballot Act, 1872, did not apply: *Gothard v. Clarke*, L. R. 5 C. P. D. 253; 49 L. J. C. P. 474; 42 L. T. N. S. 776.

(*dd*) Add “or county council election.”

(*e*) See sect. 88 (4), *post*.

(*f*) See sect. 225, *post*.

shall be deemed to have been to all intents a good and valid election (*g*).

Offences in relation to nomination papers.

74.—(1.) If any person forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the town clerk any forged nomination paper, knowing it to be forged, he shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding six months, with or without hard labour (*h*).

(2.) An attempt to commit any such offence shall be punishable as the offence is punishable.

Offences in relation to lists and elections.

75.—(1.) If a mayor or revising assessor neglects or refuses to revise a parish burgess list (*hh*), or a mayor or alderman (*i*) neglects or refuses to conduct or declare an election, as required by this Act, he shall for every such offence be liable to a fine not exceeding one hundred pounds, recoverable by action (*ii*).

(2.) If—

- (a) An overseer neglects or refuses to make, sign, or deliver a parish burgess list, as required by this Act (*k*); or
- (b) A town clerk (*ii*) neglects or refuses to receive, print, and publish, a parish burgess list or list of claimants or respondents, as required by this Act; or
- (c) An overseer or town clerk (*ii*) refuses to allow any such list to be inspected by a person having a right thereto (*l*);

(*g*) But a party, if he acts while disqualified, may still run the risk of penalties: *Ex parte Birkbeck*, L. R. 9 Q. B. 256, per Blackburn, J., 22 W. R. 299.

(*h*) See also sect. 235, *post*.

(*hh*) This does not now apply: note (*a*), p. 189, *ante*.

(*i*) Read "or returning officer," and see Local Government Act, s. 75 (2), (3), (4), (5), (6), pp. 100, 101, *ante*.

(*ii*) Under the previous enactment (5 & 6 Will. 4, c. 76, s. 48, which was substantially the same as the present) it was held that the liability attached, although the neglect was not wilful or corrupt: *King v. Burrell*, 12 A. & E. 460; 4 P. & D. 207; 4 Jur. 1109. See also *Hunt v. Hibbs*, 5 H. & N. 123; 29 L. J. Ex. 222; 6 Jur. N. S. 78.

(*k*) See Third Schedule, Part I., *post*. In *King v. Share*, 3 Q. B. 31; 2 G. & D. 453; 6 Jur. 730, it was held that the overseers of a parish divided into nine districts, each of whom had made out, &c., a list of his own district, but no other list was made out, &c., were liable to the penalty.

(*l*) It would seem that no liability can attach under this sub-section, if, as a fact, no list exists: *Gregory v. Fell*, 6 Jur. 422.

he shall for every such neglect or refusal be liable to a fine not exceeding fifty pounds, recoverable by action.

(3.) An action under this section shall not lie after three months from the neglect or refusal. A moiety of any fine recovered therein shall, after payment of the costs of action, be paid to the plaintiff (*m*).

76.—(1.) If the Ballot Act, 1872, ceases to be in force (*n*) so much of this Act as directs that the poll at a contested election of councillors shall be conducted as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and as applies provisions of the Ballot Act, 1872, to a poll at a contested election of councillors, shall forthwith cease to be in force, and thereupon the enactments in Part IV. of the Third Schedule shall revive and be in force.

Revival of former law on expiration of Ballot Act.

(2.) But this cesser and revivor shall not affect any act done, right acquired, or liability or fine incurred, or the institution or prosecution to its termination of any proceeding in respect of any such right, liability or fine.

PART IV (*nn*).

CORRUPT PRACTICES AND ELECTION PETITIONS (*nn*).

Corrupt Practices.

77. In this Part—

Definitions.

“Bribery,” “treating” (*o*), “undue influence,” and “personation,” include respectively anything done before, at, after, or with respect to a municipal election (*oo*), which, if done

(*m*) As to the recovery of the moiety by the corporation from a successful plaintiff, see *Mayor of Harwich v. Gant*, 5 El. & Bl. 182; 1 Jur. N. S. 708.

(*n*) The Ballot Act, 1872, is continued by the Expiring Laws Continuance Act, 1888.

(*nn*) This Part must be read as amended by the Municipal Elections (Corrupt Practices) Act, 1884 (see *Loc. and Mun. Gov.*, pp. 1298—1312): L. G. Act, s. 75, *ante*, p. 100.

(*o*) *Hargreaves v. Simpson*, L. R. 4 Q. B. D. 403; 48 L. J. Q. B. 607; 41 L. T. N. S. 216; 27 W. R. 885.

(*oo*) Read “or election of members of a county council.”

before, at, after, or with respect to a parliamentary election, would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections (*p*):

["Corrupt practice" means bribery, treating, undue influence, or personation (*q*):

"Candidate" means a person elected, or having been nominated, or having declared himself a candidate for election, to a corporate office:

["Canvasser" means any person who solicits or persuades, or attempts to persuade, any person to vote or to abstain from voting at a municipal election, or to vote or to abstain from voting for a candidate at a municipal election (*q*):

"Voter" means a burgess or a person who votes or claims to vote at a municipal election (*qq*):

"Election Court" means a Court constituted under this Part for the trial of an election petition (*r*):

"Municipal election petition" or "election petition" means a petition under this Part complaining of an undue municipal election:

"Parliamentary election petition" means a petition under the Parliamentary Elections Act, 1868:

"Prescribed" means prescribed by general rules made under this Part (*s*):

"Borough" and "election" when used with reference to a petition, mean the borough and election to which the petition relates.

[78. A person guilty of a corrupt practice at a municipal election shall be liable to the like actions, prosecutions, penalties, forfeitures, and punishments as if the corrupt practice had been committed at a parliamentary election (*t*).]

(*p*) See the Municipal Elections (Corrupt Practices) Act, s. 2, and Sched. 3, Local and Municipal Government, pp. 1298, 1310.

(*q*) Repealed: Municipal Elections (Corrupt Practices) Act (47 & 48 Vict. c. 70), s. 38. See the Act in Local and Municipal Government, at pp. 1298—1312.

(*qq*) See note (*oo*), p. 211.

(*r*) See sects. 92, 93, *post*.

(*s*) See sect. 100, *post*.

(*t*) Repealed. See note (*q*), *supra*. Where a person has been guilty

Disqualifications and avoidance of election for corrupt practices by candidates.

[(u) 79.—(1.) Where it is found by the report of an election Court that a corrupt practice has been committed by or with the knowledge and consent of a candidate at a municipal election, that candidate shall be deemed to have been personally guilty of a corrupt practice at the election, and his election, if he has been elected, shall be void; and he shall (whether elected or not) during seven years from the date of the report, be subject to the following disqualifications (x) :

He shall be incapable of—

- (a) Holding or exercising any corporate office or municipal franchise, or being enrolled or voting as a burgess:
- (b) Acting as a justice or holding any judicial office:
- (c) Being elected to or sitting or voting in Parliament:
- (d) Being registered or voting as a parliamentary voter:
- (e) Being employed by a candidate in a parliamentary or municipal election:
- (f) Acting as overseer or as guardian of the poor.

(2.) If any person is on indictment or information found guilty of a corrupt practice at a municipal election, or is in any action or proceeding adjudged to pay a penalty or forfeiture for a corrupt practice at a municipal election, he shall, whether he was a candidate at the election or not, be subject during seven years from the date of the conviction or judgment to all the disqualifications mentioned in this section.

(3.) If after a person has become disqualified under this Part any witness on whose testimony he has become disqualified is, on his prosecution, convicted of perjury in respect of

of several acts of bribery at a municipal election, he is liable to a penalty in respect of each such act of bribery: *Milnes v. Bale*, L. R. 10 C. P. 591; 44 L. J. C. P. 336; 33 L. T. N. S. 174; 23 W. R. 660.

(u) Repealed. See note (g), p. 212, *ante*.

(x) The disqualification did not attach until after the finding of the Court (*Drinkwater v. Deakin*, L. R. 9 C. P. 626; 43 L. J. C. P. 355; 30 L. T. N. S. 832); and in order to disqualify, it was not enough that the report stated facts from which the commission of a corrupt practice might be inferred, but the candidate must have been found by the report to have been guilty of a corrupt practice: *Grant v. Paghham*, L. R. 3 C. P. D. 80; 47 L. J. C. P. 59; 37 L. T. N. S. 404; 26 W. R. 169; 2 Hopw. & C. 358.

that testimony, the High Court may, on motion, and on proof that the disqualification was procured by means of that perjury, order that the disqualification shall cease (*x*).

Disqualifi-
cations and
avoidance of
election for
corrupt
practices by
agents, and
for offences
against this
Part.

[**80.** If it is found by an election Court that a candidate has by an agent been guilty of a corrupt practice at a municipal election, or that any offence against this Part has been committed at a municipal election by a candidate, or by an agent for a candidate with the candidate's knowledge and consent, the candidate shall during the period for which he was elected to serve, or for which, if elected, he might have served, be disqualified for being elected to and for holding any corporate office in the borough, and if he was elected his election shall be void (*x*).]

Avoidance
of election for
general
corruption.

81. A municipal election (*y*) shall be wholly avoided by such general corruption, bribery, treating, or intimidation at the election as would by the common law of Parliament avoid a parliamentary election.

Paid agents
and canvassers.

[(*x*) **82.**—(1.) A Burgess of a borough shall not be retained or employed for payment or reward by or on behalf of a candidate at a municipal election for that borough or any ward thereof as a canvasser for the purposes of the election (*a*).

(2.) If any person is retained or employed in contravention of this prohibition, that person, and also the person by whom he is retained or employed, shall be guilty of an offence against this Part, and shall be liable on summary conviction to a fine not exceeding ten pounds.

(3.) An agent or canvasser retained or employed for payment or reward for any of the purposes of a municipal election, shall not vote at the election, and if he votes he shall be guilty of an offence against this part, and shall be

(*x*) Repealed. See note (*g*), p. 212, *ante*.

(*y*) See note (*oo*), p. 211, *ante*.

(*a*) This section is repealed. See note (*g*), p. 212, *ante*. Paid canvassers are now abolished: Municipal Elections (Corrupt Practices) Act, 1884, s. 13. As to Parliamentary elections, see 46 & 47 Vict. c. 51, s. 17 (1).

liable on summary conviction to a fine not exceeding ten pounds (*b*).]

[83. If a candidate or an agent for a candidate pays or agrees to pay any money on account of the conveyance of a voter to or from the poll, he shall be guilty of an offence against this Part, and shall be liable on summary conviction to a fine not exceeding five pounds (*b*).]

Payment for conveyance of voters.

[84.—(1.) The costs and expenses of a prosecutor and his witnesses in the prosecution of any person for bribery, undue influence, or personation at a municipal election, with compensation for trouble and loss of time, shall, unless the Court otherwise directs, be allowed, paid, and borne as in cases of felony.

Prosecutions for corrupt practices.

(2.) The clerk of the peace of the borough, or, if there is none, of the county in which the borough is situate, shall, if so directed by an election Court, prosecute any person for bribery, undue influence, or personation at the election in respect of which the Court acts, or sue or proceed against any person for penalties for bribery, treating, undue influence, or any offence against this Part at the election (*b*).]

85. The votes of persons in respect of whom any corrupt practice is proved to have been committed at a municipal election shall be struck off on a scrutiny (*d*).

Striking off votes.

86. The enactments for the time being in force for the detection of personation and for the apprehension of persons charged with personation at a parliamentary election, shall apply in the case of a municipal election (*e*).

Personation.

Election Petitions.

87.—(1.) A municipal election (*d*) may be questioned by an election petition on the ground—

Power to question municipal election by petition.

(a) That the election was as to the borough or ward wholly

(*b*) Repealed. See note (*g*), p. 212, *ante*.

(*d*) See note (*oo*), p. 211, *ante*; and see the Municipal Elections (Corrupt Practices) Act, 1884, s. 22; Local and Municipal Government, p. 1303.

(*e*) See note (*oo*), p. 211, *ante*; and 7 & 8 Vict. c. 18, ss. 85—89 (Local and Municipal Government, p. 1263), and Ballot Act, 1872, s. 24 (*Ib.*, p. 1269.)

avoided by general bribery, treating, undue influence, or personation; or

(b) That the election was avoided by corrupt practices (*g*) or offences against this Part committed at the election; or

(c) That the person whose election is questioned was at the time of the election disqualified (*h*); or

(d) That he was not duly elected by a majority of lawful votes.

(2.) A municipal election (*i*) shall not be questioned on any of those grounds except by an election petition.

Presentation
of petition.

88.—(1.) An election petition may be presented either by four or more persons who voted or had a right to vote at the election, or by a person alleging himself to have been a candidate (*g*) at the election (*h*).

(2.) Any person whose election is questioned by the petition, and any returning officer of whose conduct a petition complains, may be made a respondent to the petition (*l*).

(3.) The petition shall be in the prescribed form (*m*), and

(*g*) For definition, see sect. 77, *ante*.

(*h*) Under this sub-section an election petition may be presented where a returning officer has improperly allowed an objection to a nomination paper (*Budge v. Andrews*, L. R. 3 C. P. D. 510; 47 L. J. C. P. 586; 39 L. T. N. S. 166); or, having no power to do so, has decided as to an objection as to the time of delivery of a nomination paper: *Houes v. Turner*, L. R. 1 C. P. D. 670; 45 L. J. C. P. 550; 35 L. T. N. S. 58. See also *Burgoyne v. Collins*, L. R. 8 Q. B. D. 450; 51 L. J. Q. B. 335; 30 W. R. 923.

(*i*) See note (*oo*), p. 211, *ante*; and see 6 & 7 Vict. c. 18, ss. 85—89; and 35 & 36 Vict. c. 33, s. 24.

(*k*) A petition cannot, after the expiration of the twenty-one days limited by sub-sect. (4), *infra*, be amended by the introduction of a substantially new charge: *Clark v. Wallond*, 52 L. J. Q. B. 321; 48 L. T. N. S. 762; 31 W. R. 551.

(*l*) A person claiming to be, though not in fact, elected, may be made respondent: *Yates v. Leach*, L. R. 9 C. P. 605; 43 L. J. C. P. 377; 30 L. T. N. S. 790. But not an unsuccessful candidate: *Lovring v. Dawson*, L. R. 10 C. P. 711; 44 L. J. C. P. 321; 32 L. T. N. S. 819.

Complaint of the conduct of a returning officer means complaint of his misconduct, and it seems the misconduct must be such as would render him liable to an action before the Act. Therefore, a returning officer who has given a *bonâ fide*, though erroneous, decision at an election, cannot be made a respondent: *Harmon v. Park*, L. R. 6 Q. B. D. 323; 50 L. J. Q. B. 227; 44 L. T. N. S. 82.

(*m*) See sect. 77, *ante*.

shall be signed by the petitioner, and shall be presented in the prescribed manner (*n*) to the High Court in the Queen's Bench Division, and the prescribed officer shall send a copy thereof to the town clerk, who shall forthwith publish it in the borough (*o*).

(4.) It shall be presented within twenty-one days (*p*) after the day on which the election was held, except that if it complains of the election on the ground of corrupt practices, and specifically alleges that a payment of money or other reward has been made or promised since the election by a person elected at the election, or on his account, or with his privity, in pursuance or furtherance of such corrupt practices, it may be presented at any time within twenty-eight days after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried.

89.—(1.) At the time of presenting an election petition (*q*), or within three days (*r*) afterwards, the petitioner shall give security for all costs, charges, and expenses, which may become payable by him to any witness summoned on his behalf, or to any respondent. Security for costs.

(2.) The security shall be to such amount not exceeding five hundred pounds, as the High Court, or a judge thereof, on summons directs, and shall be given in the prescribed manner, either by a deposit of money (*n*), or by recognizance (*n*) entered into by not more than four sureties, or partly in one way and partly in the other.

(3.) Within five days after the presentation of the petition the petitioner shall in the prescribed manner (*n*) serve on the respondent a notice of the presentation of the petition, and

(*n*) See sect. 77, *ante*.

(*o*) See *Harmon v. Park*, *supra*.

(*p*) In *Maude v. Lowley*, *ante*, p. 214, it was held, under 35 & 36 Vict. c. 60, s. 13 (2), that an amendment in the petition introducing substantially a new charge could not be made after twenty-one days. See also *Neild v. Batty*, L. R. 9 C. P. 104; 43 L. J. C. P. 73; 29 L. T. N. S. 747; 22 W. R. 407. But see *Pickering v. Startin*, 28 L. T. N. S. 11.

(*q*) For definition, see sect. 77, *ante*.

(*r*) As to computation of time, see sect. 230, *post*.

of the nature of the proposed security, and a copy of the petition (*s*).

(4.) Within five days (*t*) after service of the notice the respondent may object in writing to any recognizance on the ground that any surety is insufficient or is dead, or cannot be found or ascertained for want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

(5.) An objection to a recognizance shall be decided in the prescribed manner (*u*).

(6.) If the objection is allowed, the petitioner may, within a further prescribed time not exceeding five days (*t*), remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the Court or officer having cognizance of the matter, make the security sufficient (*u*).

(7.) If no security is given, as prescribed, or any objection is allowed and is not removed, as aforesaid, no further proceedings shall be had on the petition.

Petition at issue.

90. On the expiration of the time limited for making objections, or, after objection made, on the objection being disallowed or removed, whichever last happens, the petition shall be at issue.

Municipal election list.

91.—(1.) The prescribed officer (*u*) shall as soon as may be make a list, in this Act referred to as the municipal election list, of all election petitions at issue, placing them in the order in which they were presented, and shall keep at his office a copy of this list, open to inspection in the prescribed manner (*u*).

(2.) The petitions shall, as far as conveniently may be, be tried in the order in which they stand in the list.

(3.) Two or more candidates (*x*) may be made respondents to the same petition (*x*), and their cases may be tried at the

(*s*) Otherwise the petition may be taken off the file: *Williams v. Tenby*, L. R. 5 C. P. D. 135; 49 L. J. Q. B. 325; 42 L. T. N. S. 187; 28 W. R. 616.

An affidavit of service must be filed.

(*t*) As to computation of time, see sect. 230, *post*.

(*u*) See sect. 77, *ante*.

(*x*) For definition, see sect. 77, *ante*.

same time, but for the purposes of this Part the petition shall be deemed to be a separate petition against each respondent.

(4.) Where more petitions (*y*) than one are presented relating to the same election, or to elections held at the same time for different wards of the same borough, they shall be bracketed together in the list as one petition, but shall, unless the High Court otherwise directs, stand in the list in the place where the last of them would have stood if it had been the only petition relating to that election.

92.—(1.) An election petition (*y*) shall be tried by an election Court (*y*) consisting of a barrister qualified and appointed as in this section provided, without a jury (*z*). Constitution
of election
Court.

(2.) A barrister shall not be qualified to constitute an election Court (*y*) if he is of less than fifteen years standing, or is a member of the Commons House of Parliament, or holds any office or place of profit under the Crown, other than that of recorder.

(3.) A barrister shall not be qualified to constitute an election Court for trial of an election petition relating to any borough for which he is recorder, or in which he resides, or which is included in a circuit of Her Majesty's judges on which he practices as a barrister.

(4.) As soon as may be after a municipal election list is made out the prescribed officer shall send a copy thereof to each of the judges for the time being on the rota for the trial of parliamentary election petitions; [and those judges or two of them shall forthwith determine the number of barristers, not exceeding five at any one time, necessary to be appointed for the trial of the election petitions at issue, and shall appoint that number accordingly as commissioners under this Part, and shall assign the petitions to be tried by each (*zz*)].

(5.) If a commissioner to whom the trial of a petition is assigned dies, or declines or becomes incapable to act, the said judges or two of them may assign the trial to be conducted

(*y*) For definition, see sect. 77, *ante*.

(*z*) Under the previous enactment, 35 & 36 Vict. c. 60, s. 14, it was held that an election Court is a court of record: *R. v. Maidenhead*, L. R. 9 Q. B. D. 494; 51 L. J. Q. B. 444; 47 L. T. N. S. 529; 46 J. P. 724.

(*zz*) The part between brackets is repealed. See note (*q*), p. 212, *ante*.

or continued by any other of the commissioners appointed under this section.

(6.) The election Court (s) shall for the purposes of the trial have the same powers and privileges as a judge on the trial of a parliamentary election petition, except that any fine or order of committal by the Court may on motion by the person aggrieved be discharged or varied by the High Court, or in vacation by a judge thereof, on such terms, if any, as the High Court or judge thinks fit.

Trial of elec-
tion petition.

93.—(1.) An election petition (s) shall be tried in open Court, and notice of the time and place of trial shall be given in the prescribed manner not less than seven days before the day of trial (t).

(2.) The place of trial shall be within the borough, except that the High Court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place for the trial.

(3.) The election Court may in its discretion adjourn the trial from time to time, and from any one place to any other place within the borough or place where it is held.

(4.) At the conclusion of the trial the election Court shall determine whether the person whose election is complained of, or any and what other person, was duly elected, or whether the election was void (u), and shall forthwith certify in writing the determination to the High Court, and the determination so certified shall be final to all intents as to the matters at issue on the petition.

(5.) Where a charge is made in a petition of any corrupt practice or offence against this Part having been committed at the election the Court shall, in addition to the certificate, and at the same time, report in writing to the High Court as follows :

(a) Whether any corrupt practice or offence against this Part has or has not been proved to have been committed by

(s) For definition, see sect. 77, *ante*.

(t) See sect. 77, *ante*.

(u) See *Howes v. Turner*, *ante*, p. 216.

or with the knowledge and consent of any candidate at the election, and the nature of the corrupt practice or offence;

(b) The names of all persons (if any) proved at the trial to have been guilty of any corrupt practice or offence against this Part;

(c) Whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election in the borough or in any ward thereof.

(6.) The election Court may at the same time make a special report to the High Court as to any matters arising in the course of the trial, an account of which ought, in the judgment of the election Court, to be submitted to the High Court.

(7.) If, on the application of any party to a petition (*v*) made in the prescribed manner to the High Court (*x*), it appears to the High Court that the case raised by the petition can be conveniently stated as a special case, the High Court may direct the same to be stated accordingly, and any such special case shall be heard before the High Court, and the decision of the High Court shall be final (*y*).

(8.) If it appears to the election Court on the trial of a petition that any question of law as to the admissibility of evidence, or otherwise, requires further consideration by the High Court, the election Court may postpone the granting of a certificate until the question has been determined by the High Court, and for this purpose may reserve any such question, as questions may be reserved by a judge on a trial *at nisi prius* (*a*).

(9.) On the trial of a petition, unless the election Court otherwise directs, any charge of a corrupt practice or offence against this Part may be gone into, and evidence in relation thereto received before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice or offence.

(*v*) For definition, see sect. 77, *ante*.

(*x*) See sect. 77, *ante*.

(*y*) But see *Crush v. Turner*, L. R. 3 Ex. D. 303; 47 L. J. Q. B. 639; 38 L. T. N. S. 595; 26 W. R. 673.

(*a*) See sect. 242 (3), *post*, and 44 & 45 Vict. c. 68, s. 14.

(10.) On the trial of a petition complaining of an undue election and claiming the office for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.

(11.) The trial of a petition shall be proceeded with notwithstanding that the respondent has ceased to hold the office his election to which is questioned by the petition (*a*).

(12.) A copy of any certificate or report made to the High Court on the trial of a petition, and, in the case of a decision by the High Court on a special case, a statement of the decision shall be sent by the High Court to the Secretary of State.

(13.) A copy of any such certificate and a statement of any such decision shall also be certified by the High Court, under the hands of two or more judges thereof, to the town clerk of the borough.

Witnesses.

94.—(1.) Witnesses at the trial of an election petition shall be summoned and sworn in the same manner, as nearly as circumstances admit, as witnesses at a trial *at nisi prius*, and shall be liable to the same penalties for perjury.

(2.) On the trial the election Court may, by order in writing (*a*), require any person who appears to the Court to have been concerned in the election to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of Court.

(3.) The Court (*b*) may examine any person so required to attend or being in Court although he is not called and examined by any party to the petition.

(4.) A witness may, after his examination by the Court, be cross-examined by or on behalf of the petitioner and respondent or either of them.

[*(bb)*] (5.) A witness on an election petition shall not be excused from answering any question relating to a corrupt practice or offence against this Part committed at or connected with the election on the ground that the answer thereto may

(*a*) See sect. 97, *post*.

(*b*) For definition, see sect. 77, *ante*.

(*bb*) The part between brackets is repealed. See note (*g*), p. 212, *ante*.

criminate or tend to criminate him; but if he answers it he shall be entitled to receive from the Court a certificate stating that he was on his examination required by the Court to answer questions the answers whereto criminated or tended to criminate him, and that he answered all such questions.

(6.) If any information, indictment, or action is at any time thereafter pending against the witness in any Court for any corrupt practice or offence against this Part committed at or in relation to the election before the time of his giving his evidence, that Court shall, on production and proof of the certificate, stay the proceedings, and may, in its discretion, award to him such costs as he has been put to therein (*e*).

(7.) The giving of or refusal to give any such certificate by the election Court shall be final and conclusive (*d*).

(8.) A statement made by any person in answer to a question put to him by or before an election Court shall not, except in cases of indictment for perjury (*e*), be admissible in evidence in any proceeding, civil or criminal (*ee*).

(9.) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses on the trial of civil actions at the assizes, may be allowed to him by a certificate of the election Court, or of the prescribed officer (*f*), and if the witness was called and examined by the Court, shall be deemed part of the expenses of providing a Court; but otherwise shall be deemed costs of the petition.

95.—(1.) A petitioner shall not withdraw an election petition (*g*) without the leave of the election Court (*g*) or Withdrawal
of petition.

(*c*) See *R. v. Hulme*, L. R. 5 Q. B. 377; 39 L. J. Q. B. 149; 22 L. T. N. S. 673; 18 W. R. 830.

(*d*) See *R. v. Hall*, L. R. 7 Q. B. D. 575; 50 L. J. Q. B. 763; 45 L. T. N. S. 69; dissenting from *R. v. Price*, L. R. 6 Q. B. 411; 24 L. T. N. S. 387.

(*e*) That is, perjury committed before the election Court, not perjury committed elsewhere: *R. v. Buttle*, L. R. 1 C. C. R. 248; 39 L. J. M. C. 115; 22 L. T. N. S. 728; 18 W. R. 956. The answers cannot be given in evidence upon an *ex officio* information by the Attorney-General for perjury: *R. v. Slator*, L. R. 8 Q. B. D. 267; 51 L. J. Q. B. 246; 30 W. R. 410; 46 J. P. 694.

(*ee*) See note (*bb*), p. 222, *ante*.

(*f*) See sect. 77, *ante*.

(*g*) For definition, see sect. 77, *ante*.

High Court on special application, made in the prescribed manner, and at the prescribed time and place (*h*).

(2.) The application shall not be made until the prescribed notice of the intention to make it has been given in the borough (*h*).

(3.) On the hearing of the application any person who might have been a petitioner in respect of the election may apply to the Court to be substituted as a petitioner, and the Court may, if it thinks fit, substitute him accordingly.

(4.) If the proposed withdrawal is in the opinion of the Court (*i*) induced by any corrupt bargain or consideration, the Court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in the security, the original petitioner and his sureties shall be liable to pay the costs of the substituted petitioner.

(5.) If the Court does not so direct, then security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within the prescribed time after the order of substitution.

(6.) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

(7.) If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

(8.) Where there are more petitioners than one, an application to withdraw a petition shall not be made except with the consent of all the petitioners.

Abatement of
petition.

96.—(1.) An election petition (*h*) shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2.) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

(*h*) See sect. 77, *ante*.

(*i*) For definition, see sect. 77, *ante*.

(3.) On the abatement of a petition the prescribed notice thereof shall be given in the borough, and, within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election Court or High Court in the prescribed manner and at the prescribed time and place to be substituted as a petitioner; and the Court may, if it thinks fit, substitute him accordingly.

(4.) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

97.—(1.) If before the trial of an election petition (*k*) a respondent other than a returning officer—

Withdrawal and substitution of respondents.

(a) Dies, resigns, or otherwise ceases to hold the office to which the petition relates; or

(b) Gives the prescribed notice that he does not intend to oppose the petition (*l*);

the prescribed notice thereof shall be given in the borough, and within the prescribed time (*l*) after the notice is given any person who might have been a petitioner in respect of the election may apply to the election Court or High Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed three.

(2.) A respondent who has given the prescribed notice (*l*) that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

98.—(1.) All costs, charges and expenses of and incidental to the presentation of an election petition, and the proceedings consequent thereon, except such as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and proportions as the election Court determines (*m*); and in particular any costs, charges or

Costs on election petitions.

(*k*) For definition, see sect. 77, *ante*.

(*l*) See sect. 77, *ante*.

(*m*) The decision of the election court is final and cannot be reviewed: *Lovering v. Dawson*, L. R. 10 C. P. 726; 44 L. J. C. P. 321; 32 L. T. N. S. 823. See *R. v. Maidenhead*, *ante*, p. 219.

It seems the order must be made a rule of the Superior Court: *Pare v. Hartshorn*, 31 L. T. N. S. 486; 23 W. R. 138.

expenses which in the opinion of the Court have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether they are or not on the whole successful.

(2.) The costs may be taxed in the prescribed manner (*l*), [but according to the same principles as costs between solicitor and client in an action in the High Court,] and may be recovered as the costs of such an action, or as otherwise prescribed (*m*).

(3.) If a petitioner neglects or refuses for three months after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his costs, charges and expenses, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court, every person who has under this Act entered into a recognizance relating to the petition shall be held to have made default in the recognizance, and the prescribed officer shall thereon certify the recognizance to be forfeited, and it shall be dealt with as a forfeited recognizance relating to a parliamentary election petition.

Reception of
and attend-
ance on the
election Court.

99.—(1.) The town clerk (*mm*) shall provide proper accommodation for holding the election Court (*n*); and any expenses incurred by him for the purposes of this section shall be paid out of the borough fund or borough rate.

(2.) All chief and head constables, superintendents of police, head-boroughs, gaolers, constables, and bailiffs shall give their assistance to the election Court in the execution of its duties, and if any gaoler or officer of a prison makes default in receiving or retaining a prisoner committed thereto

(*l*) See sect. 77, *ante*.

(*m*) The part between brackets is repealed, see note (*g*), p. 212, *ante*. The Court would not interfere with the discretion of the master as to counsel's fees and refreshers, unless he had failed to exercise it in a reasonable manner: *Hargreaves v. Scott*, L. R. 4 C. P. D. 21; 40 L. T. N. S. 35; 27 W. R. 323.

(*mm*) See L. G. Act, s. 75 (5), p. 101, *ante*.

(*n*) For definition, see sect. 77, *ante*.

in pursuance of this Part, he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

(3.) The election Court may employ officers and clerks as prescribed.

(4.) A shorthand writer shall attend at the trial of an election petition, and shall be sworn by the election Court faithfully and truly to take down the evidence given at the trial. He shall take down the evidence at length. A transcript of the notes of the evidence taken by him shall, if the election Court so directs, accompany the certificate of the election Court. His expenses, according to a prescribed scale, shall be treated as part of the expenses incurred in receiving the Court.

100.—(1.) The judges for the time being on the rota for the trial of parliamentary election petitions may from time to time make, revoke and alter general rules for the effectual execution of this Part, and of the intention and object thereof, and the regulation of the practice, procedure, and costs of municipal election petitions, and the trial thereof, and the certifying and reporting thereon.

Rules of procedure and jurisdiction.

(2.) All such rules shall be laid before both Houses of Parliament within three weeks after they are made, if Parliament is then sitting, and if not, within three weeks after the beginning of the then next session of Parliament, and shall, while in force, have effect as if enacted in this Act.

(3.) Subject to the provisions of this Act, and of the rules made under it, the principles, practice, and rules for the time being observed in the case of parliamentary election petitions, and in particular the principles and rules with regard to agency and evidence, and to a scrutiny, and to the declaring any person elected in the room of any other person declared to have been not duly elected, shall be observed, as far as may be, in the case of a municipal election petition.

(4.) The High Court shall, subject to this Act, have the same powers, jurisdiction and authority with respect to a municipal election petition (*p*) and the proceedings thereon

(*p*) For definition, see sect. 77, *ante*.

as if the petition were an ordinary action within its jurisdiction (*p*).

(5.) The duties to be performed by the prescribed officer under this Part shall be performed by the prescribed officer of the High Court.

(6.) The general rules in force at the commencement of this Act with respect to matters within this Part shall, until superseded by rules made under this section, and subject to any amendment thereof by rules so made, have effect, with the necessary modifications, as if made under this section.

Expenses of
election Court.

101.—(1.) The remuneration and allowances to be paid to a commissioner for his services in respect of the trial of an election petition (*q*), and to any officers, clerks, or shorthand writers employed under this Part, shall be fixed by a scale made and varied by the election judges on the rota for the trial of parliamentary election petitions, with the approval of the Treasury. The remuneration and allowances shall be paid in the first instance by the Treasury, and shall be repaid to the Treasury, on their certificate, out of the borough fund or borough rate (*r*).

(2.) But the election Court may, in its discretion, order that such remuneration and allowances, or the expenses incurred by a town clerk for receiving the election Court, shall be repaid, wholly or in part, to the Treasury or the town clerk, as the case may be, in the cases, by the persons, and in the manner following (namely) (*s*):

(*p*) As to the power of the Superior Court under the corresponding provision in 35 & 36 Vict. c. 60, s. 25 (5), see per Lord Coleridge, C. J., in *Yates v. Leach*, L. R. 9 C. P. at p. 608, reported also 43 L. J. C. P. 377; 30 L. T. N. S. 790. See also *Maude v. Lowley*, *ante*, p. 214, and *Lovering v. Dawson*, *ante*, p. 216; and as to power of amendment, see *Clark v. Wallond*, *ante*, p. 216.

(*q*) For definition, see sect. 77, *ante*.

(*r*) The act of making this certificate is not a judicial act, and, therefore, where the Treasury have cancelled a certificate, they have power to make a second certificate: *R. v. Maidenhead*, *ante*, p. 219.

The Treasury may obtain a peremptory *mandamus* compelling the treasurer of the borough to repay them the amount of the remuneration and allowances out of the borough fund or rate: *ibid*.

A retrospective rate may be levied for the purpose: *ibid*.

(*s*) The election court is a court of record, and its judgment or order

(a) When in the opinion of the election Court a petition is frivolous and vexatious, by the petitioner;

(b) When in the opinion of the election Court a respondent has been personally guilty of corrupt practices at the election, by that respondent.

(3.) An order so made for the repayment of any sum by a petitioner or respondent may be enforced as an order for payment of costs; but a deposit made or security given under this Part shall not be applied for any such repayment until all costs and expenses payable by the petitioner or respondent to any party to the petition have been satisfied.

102. Where a candidate who has been elected to a corporate office (*t*) is, by a certificate of an election Court (*t*), or a decision of the High Court, declared not to have been duly elected, acts done by him in execution of the office, before the time when the certificate or decision is certified to the town clerk, shall not be invalidated by reason of that declaration (*u*).

Acts done pending a petition not invalidated.

103. Where on an election petition (*t*) the election of any person to a corporate office has been declared void, and no other person has been declared elected in his room, a new election shall be held to supply the vacancy in the same manner as on a casual vacancy (*x*); and for the purposes of the election any duties to be performed by a mayor, alderman, or other officer, shall, if he has been declared not elected, be performed by a deputy, or other person who might have acted for him if he had been incapacitated by illness (*y*).

Provisions as to elections in the room of persons unseated on petition.

104. A person who has voted at a municipal election by ballot shall not in any proceeding to question the election be required to state for whom he has voted.

Prohibition of disclosure of vote.

must be in writing;—oral evidence of what was said in delivering judgment is inadmissible: *R. v. Maidenhead*, *ante*, p. 219.

(*t*) For definition, see sect. 77, *ante*.

(*u*) Compare sect. 42 (1), *ante*.

(*x*) See sects. 40 and 66, *ante*.

(*y*) See sect. 67, *ante*.

PART V.

CORPORATE PROPERTY AND LIABILITIES.

Misapplication of Corporate Property.

Prohibition of expenditure of corporate funds on parliamentary elections.

124.—(1.) It shall not be lawful for a municipal corporation, or the council of a borough, or a corporate officer, or a trustee, or other person acting for a municipal corporation, to pay or apply any money, stocks, funds, securities, or personal property, of or held in trust for the corporation, in payment of any expenses occasioned by a parliamentary election or incurred by any person offering himself as a candidate at or before a parliamentary election.

(2.) Any bond, covenant, recognizance, or judgment given by a corporation, council, officer, trustee, or person as aforesaid, for securing payment of such expenses, shall be void.

(3.) Any payment, application, bond, covenant, recognizance, or judgment made or given by a corporation, council, officer, trustee, or person as aforesaid, for inducing any person to labour in a parliamentary election at a future time, or to pay or incur expenses as aforesaid at a future time, shall be deemed to be forbidden and declared void by this section, although colourably made or given for any other cause or consideration.

(4.) Any mortgage or other disposition of corporate land for securing or satisfying any expenses or engagements incurred or to be incurred as aforesaid, and any estate or charge thereby created, shall be void.

(5.) Any resolution, bye-law, or other proceeding of a council, purporting to direct or authorise any payment or thing forbidden by this section, or made or adopted for evading the provisions thereof, shall be void.

(6.) If any member of a municipal corporation authorises or directs any payment or application forbidden by this section, or assents to, or concurs or participates in, any affirmative vote or proceeding relating thereto, or signs or seals in his individual capacity, or affixes the corporate seal to, any instrument by this section declared void, he shall be guilty of a misdemeanour, and, on conviction thereof in the

High Court, shall, in addition to such punishment as the Court awards, be for ever disabled to take, hold, or exercise any office in the same corporation.

(7.) If any corporate officer, trustee, or other person as aforesaid, makes, or concurs in making, any payment or application of money or property as aforesaid, he shall be deemed to have done so in his own wrong, and he shall be individually liable to repay and make good the amount or value thereof to the corporation, notwithstanding any release or pretended indemnity given to him in the name or on behalf of the corporation.

(8.) Any two or more burgesses may bring and prosecute any action in the name of the corporation against any officer, trustee, or person making any illegal payment or application as aforesaid, as if they, their executors and administrators, were jointly and severally appointed the irrevocable attorneys of the corporation for that purpose; but the plaintiffs shall, on the application of the defendant, give reasonable security, as the Court directs, for costs, as between solicitor and client.

(9.) Nothing in this section shall affect the provisions of the Ballot Act, 1872, or of any other Act for the time being in force regulating the payment by the returning officer or otherwise of expenses relating to parliamentary elections (*g*).

PART XII.

LEGAL PROCEEDINGS.

219.—(1.) In summary proceedings for offences and fines under this Act the information shall be laid within six months after the commission of the offence (*h*).

Prosecution of offences and recovery of fines.

(2.) Any person aggrieved by a conviction of a court of

(*g*) The Ballot Act will be found at p. 1264—1279 of Local and Municipal Government.

(*h*) See the notes to sect. 252 of the Public Health Act, 1875 (Local and Municipal Government, p. 182).

summary jurisdiction under this Act may appeal therefrom to a court of quarter sessions (*i*).

(3.) Any fine incurred under this Act and not recoverable summarily may be recovered by action in the High Court.

Exclusion of
certiorari.

220. A conviction, order, warrant, or other matter made or done or purporting to be made or done by virtue of this Act, shall not be quashed for want of form, and shall not, unless it is an order of the council for payment of money out of the borough fund, be removed by *certiorari* or otherwise into the High Court (*k*).

Application of
penalties in
quarter
sessions
boroughs.

221.—(1.) Where by any Act passed or to be passed, any fine, penalty, or forfeiture is made recoverable in a summary manner before any justice or justices and payable to the Crown or to any body corporate, or to any person whomsoever, the same if recovered and adjudged before any justice of a borough having a separate court of quarter sessions shall, notwithstanding anything in the Act under which it is recovered, be recovered for and adjudged to be paid to the treasurer of the borough (*l*).

(*i*) As to procedure, see the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49, s. 31).

(*k*) Under the corresponding provision in the previous enactment (5 & 6 Will. 4, c. 76, s. 132) it was held that an order of the quarter sessions of a borough with reference to an appeal against a borough rate could not be removed by *certiorari*: *R. v. JJ. of Ripon*, 7 A. & E. 417. The order must be "made or done by virtue of this Act." See *R. v. JJ. of Lancashire*, 11 A. & E. 144, and *R. v. Terrét*, 2 T. R. 735. But the section does not apply where there is a total absence of jurisdiction (*Ex parte Bradlaugh*, 3 Q. B. D. 509; 47 L. J. M. C. 105; 38 L. T. N. S. 680; 26 W. R. 758); or where the Court is so improperly constituted as to invalidate the decision (*R. v. Cheltenham Commissioners*, 1 Q. B. 467); or where the conviction, &c., was obtained by fraud: *R. v. Gillyard*, 12 Q. B. 527.

As to removal of an order of council by *certiorari*, see sect. 141 (2), *ante*.

(*l*) As to the construction of the section, see *A.-G. v. Moore*, L. R. 3 Ex. D. 276; 47 L. J. M. C. 33; 37 L. T. N. S. 610; 26 W. R. 238.

Payments to the treasurer go to the borough fund. See sect. 142 (2), *ante*. See *Mayor of Reigate v. Hart*, L. R. 3 Q. B. 244; 37 L. J. M. C. 70; 16 W. R. 896; and *Winn v. Mossman*, L. R. 4 Ex. 292; 38 L. J. Ex. 200; 20 L. T. N. S. 672; 17 W. R. 924.

(2.) But this section shall not apply to a fine, penalty, or forfeiture, or part thereof, where the Act under which it is recovered—

- (a) Directs payment thereof to the informer or to any person aggrieved; or
- (b) If passed since the Municipal Corporations Act, 1835, directs that the same shall go in any other manner, and not to the borough fund (*m*); or
- (c) Relates to the customs, excise, or post office, or to trade or navigation, or to any branch of the revenue of the Crown (*n*).

222. Where the offices of town clerk and clerk of the peace for a borough are not held by the same person, the clerk of the peace (*m*) shall perform all duties imposed on the town clerk by the Act of the third year of King George the Fourth, chapter forty-six, “for the more speedy return and levying of fines, penalties, and forfeitures, and recognizances estreated;” and the clerk of the peace shall make all returns, issue all processes, and do all other acts required by that Act to be made, issued, and done by the town clerk.

Duties of clerk of peace as to fines and forfeitures.

223. Any summons for appearance, warrant to enforce appearance, warrant for apprehension, or search warrant (*o*), may, if issued by a justice for a borough (*p*), be served or executed in any county wherein the borough or any part thereof is situate, or within any distance not exceeding seven miles (*q*) from the borough, and, within those limits, shall have the same effect as if it had been issued or indorsed by a justice having jurisdiction in the place where it is served or

Service of summons or warrant.

(*m*) See sects. 253, 254 of the Public Health Act, 1875 (Local and Municipal Government, pp. 182, 183).

(*n*) See *Seaman's Hospital Society v. Mayor, &c. of Liverpool*, 4 Exch. 180; 18 L. J. Ex. 371.

(*nn*) See L. G. Act, s. 83, p. 113, *ante*.

(*o*) A warrant of commitment is not within the section: *R. v. Cumpton*, L. R. 5 Q. B. D. 341; 49 L. J. M. C. 41; 42 L. T. N. S. 543; 28 W. R. 539.

(*p*) The mayor of a borough without a commission of the peace is a justice of the peace for the borough: *Wilson v. Strugnell*, L. R. 7 Q. B. D. 548; 50 L. J. M. C. 145; 45 L. T. N. S. 218; 45 J. P. 831; 14 Cox, C. C. 624.

(*q*) As to measurement of distances, see sect. 231, *post*.

executed, and may be served or executed by the constable or special constable to whom it is directed.

Procedure in
penal actions
against corpo-
rate officers.

224.—(1.) An action to recover a fine (*r*) from any person for acting in a corporate office without having made the requisite declaration, or without being qualified, or after ceasing to be qualified, or after becoming disqualified, may not be brought except by a burgess of the borough (*s*), and shall not lie unless the plaintiff has, within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose.

(2.) The Court or a judge shall, on the application of the defendant within fourteen days after he has been served with writ of summons in the action, require the plaintiff to give security for costs.

(3.) Unless judgment is given for the plaintiff, the defendant shall be entitled to costs, to be taxed as between solicitor and client.

(4.) Where any such action is brought against a person on the ground of his not being qualified in respect of the estate (*t*), it shall lie on him to prove that he was so qualified.

(5.) A moiety of the fine recovered shall, after payment of the costs of action, be paid to the plaintiff (*u*).

Quo warranto
and *manda-*
mus.

225.—(1.) An application for an information in the nature of a *quo warranto* against any person claiming to hold a corporate office shall not be made after the expiration of twelve months (*x*) from the time when he became disqualified after election (*y*).

(*r*) See sect. 41, *ante*.

(*s*) As to whether it is essential to state in the pleadings that the plaintiff is a burgess, see *Simpson v. Ready*, 12 M. & W. 736; 13 L. J. Ex. 193.

(*t*) See sect. 11, *ante*.

(*u*) See sect. 221, *ante*.

As to action by corporation to recover half the penalty, see *Mayor of Harwich v. Gant*, *ante*, p. 211.

(*x*) As to computation of time, see sect. 230, *post*.

(*y*) See sect. 87 (1) (*c*) and (2), *ante*.

It is within the discretion of the Court to say whether an informa-

(2.) In the case of such an application, or of an application for a *mandamus* to proceed to an election of a corporate officer, the applicant shall give notice in writing of the application to the person to be affected thereby (in this section called the respondent) at any time not less than ten days (z) before the day in the notice specified for making the application (a).

(3.) The notice shall set forth the name and description of the applicant, and a statement of the grounds of the application.

(4.) The applicant shall deliver with the notice a copy of the affidavits whereby the application will be supported.

(5.) The respondent may show cause in the first instance against the application.

(6.) If sufficient cause is not shown, the Court, on proof of due service of the notice, statement, and copy of affidavits used in support of the application, may, if it thinks fit, make the rule for the information or *mandamus* absolute.

(7.) The Court may, if it thinks fit, direct that any issue of fact on an information be tried by jury in London or at Westminster.

(8.) The Court may, if it thinks fit, direct that any writ

tion in the nature of a *quo warranto* will be granted or refused: *R. v. Trevenen*, 2 B. & A. 479; *R. v. Parry*, 6 A. & E. 810; 2 N. & P. 414; *R. v. Ward*, L. R. 8 Q. B. 210.

An inhabitant of the borough and subject to the government of the council, though not a burgess, may be relator: *R. v. Parry*, *supra*; *R. v. Quayle*, 11 A. & E. 508; 5 Jur. 386; *R. v. Hodge*, 2 B. & Ald. 344 n.; but see *R. v. Thirlwind*, 33 L. J. Q. B. 171.

As to objection that relator has been guilty of acquiescence or concurrence, see *R. v. Parry*, *supra*; *R. v. Slythe*, 6 B. & C. 240; *R. v. Greene*, 2 Q. B. 460; but see *R. v. Benny*, 1 B. & Ad. 684; and *R. v. Brame*, 4 A. & E. 664.

As to security for costs, see *R. v. Wakelin*, 1 B. & Ad. 50; and *R. v. Greene*, 4 Q. B. 646.

As to discretion of Court with regard to costs, see *R. v. Blizzard*, L. R. 2 Q. B. 55; 36 L. J. Q. B. 18; 15 L. T. N. S. 242; 15 W. R. 105.

(z) As to computation of time, see sect. 230, *post*.

(a) As to the application of certain Rules of the Supreme Court to *mandamus* and *quo warranto*, and as to title of affidavits, see Rules of the Supreme Court, 1883, Ord. LXVIII., rr. 2, 4.

of *mandamus* issued shall be preemptory in the first instance.

Provisions for protection of persons acting under Act.

226.—(1.) An action (*a*), prosecution, or proceeding against any person (*b*) for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act (*c*), shall not lie or be instituted unless it is commenced (*d*) within six months next after the act or thing is done or omitted, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof (*e*).

(2.) Where the action is for damages, tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into Court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of the tender or payment: but this provision shall not affect costs on any injunction in the action (*f*).

(3.) Subject and without prejudice to any other powers,

(*a*) As to action of replevin, see *Jones v. Johnson*, 6 Ex. 133.

(*b*) See *Boyd v. Croydon Ry.*, 4 Bing. N. C. 669.

By Rules of the Supreme Court, 1883, Ord. IX., r. 8, "In the absence of any statutory provision regulating service of process, every writ of summons issued against a corporation aggregate may be served on the mayor or other head officer, or on the town clerk, clerk, treasurer, or secretary of such corporation."

(*c*) This latter clause meets the case of *King v. Burrell*, 12 A. & E. 460.

(*d*) See *Willace's case*, 1 East, P. C. 186; and per Lord Ellenborough, 2 M. & Sel. at p. 72.

(*e*) As to notice of action under sect. 264 of the Public Health Act, 1875, see *Local and Municipal Government*, p. 188.

(*f*) Under the corresponding section in the previous enactment, 5 & 6 Will. 4, c. 76, s. 133, it was held that where a constable is sued for anything done in the exercise of his general duty as constable, and the plaintiff becomes nonsuit or discontinues, the defendant is entitled to double costs under 21 Jac. 1, c. 12, s. 5: *Maberley v. Titterton*, 7 M. & W. 540.

the council, where the defendant in any such action, prosecution, or other proceeding is their officer, agent or servant, may, if they think fit, except so far as the Court before which the action, prosecution, or other proceeding is heard and determined otherwise directs, pay out of the borough fund or borough rate all or any part of any sums payable by the defendant in or in consequence of the action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine, or otherwise (*g*).

227.—(1.) Where a person charged with a petty misdemeanour is brought without the warrant of a justice into the custody of a borough constable during his attendance at a watch-house in the borough, at any time (by day (*h*) or night) at which a justice is not actually sitting for the public administration of justice at the justices' room, or town hall, or other place used for that purpose in the borough, the constable may, if he thinks fit, take bail without fee from that person, by recognizance conditioned for his appearance for examination within two days before a justice in the borough at some time and place therein specified.

Power for
borough
constables to
take bail.

(2.) A recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if taken before a justice.

(3.) The constable shall enter in a book, kept for that purpose in every watch-house, the name, residence, and occupation of the person entering into the recognizance, and of his surety or sureties, if any, with the condition of the recognizance, and the sums acknowledged.

(4.) The constable shall lay the book before the justice present at the time when and place where the recognizor is required to appear.

[5.) If the recognizor does not appear at the time and place required, or within one hour after, the justice shall cause a

(*g*) This sub-section provides for such a case as that of *R. v. Mayor of Exeter*, L. R. 6 Q. B. D. 135; 44 L. T. N. S. 101; 29 W. R. 441; 45 J. P. 158.

(*h*) The power to take bail "by day" is new.

record of the recognizance to be drawn up and signed by the constable, and shall return the same to the next court of quarter sessions for the borough, or, if the borough has no separate court of quarter sessions, for the county in which the borough is situate, with a certificate at the back thereof, signed by the justice, that the recognizor has not complied with the obligation therein contained.

(6.) The clerk of the peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in quarter sessions (*h*.)]

(7.) If the recognizor applies by any person on his behalf to postpone the hearing of the charge against him, and the justice thinks fit to consent thereto, the justice may enlarge the recognizance to such further time as he appoints.

(8.) When the matter is heard and determined, either by the dismissal of the charge, or by binding over the recognizor to answer the matter of the complaint at quarter sessions, or otherwise, the recognizance for his appearance before a justice shall be discharged without fee.

PART XIII.

GENERAL.

Boundaries (k).

Boundaries of boroughs and transfer of parts to counties.

228 (k).—(1.) Every place at the commencement of this Act included within each borough then existing, and no other place, shall be part of the borough, and in each borough then existing which is a county of itself, shall be part of that county and of no other, as if this Act had not been passed.

(2.) Where under the Municipal Corporations Act, 1835, or any Act amending it, any such county or borough does not, at the commencement of this Act, include a place which, before the passing of the Municipal Corporations Act, 1835, was part thereof, that place shall continue to be part of the county wherein it is situate, or with which it has the longest common boundary, as if this Act had not been passed.

(*h*) Sub-sects. (5) and (6) are repealed: 47 & 48 Vict. c. 43, s. 4.

(*k*) The provisions of this Act as to boundaries do not apply as regards county councils: L. G. Act, s. 75 (16) (*b*), *ante*, p. 103.

(3.) But nothing in this Act shall prevent any gaol, house of correction, lunatic asylum, court of justice, or judges' lodging, which at the passing of the Municipal Corporations Act, 1835, was, and at the commencement of this Act is, taken to be, for any purpose, in any county, from being still, for that purpose, taken to be in that county, as if this Act had not been passed.

(4.) Any gaol, Court, depôt for arms, and any land thereto belonging, which at the commencement of this Act is parcel of a county, shall continue to be parcel of the county, and under the exclusive jurisdiction of the authorities of the county, as if this Act had not been passed.

(5.) Nothing in this Act shall be construed to affect the assessments of the land tax or assessed taxes, as those assessments exist at the commencement of this Act, or to extend or diminish the jurisdiction of any commissioners of those taxes, as such commissioners then exist; but all lands, and all parishes, parts of parishes, and places shall continue to be charged as at the commencement of this Act towards the land tax charged on the county or other district whereof at the commencement of this Act they are part, and to be subject in that behalf to the jurisdiction of the commissioners of the same county or other district, as if this Act had not been passed.

229 (1). If any place which, under the Municipal Corporations Act, 1835, or any Act amending it, ceased to be included in a borough or county of a town or city, was before the passing of the Municipal Corporations Act, 1835, liable to contribute to any rate for satisfying any lawful debt to which the ratepayers of that borough or county were then liable, and if after the commencement of this Act any difference arises concerning the proportion of that debt to be contributed in respect of that place, the Secretary of State, on the application of the council, or of the chairman of a public meeting of the ratepayers of the place, may appoint by writing under his hand a barrister not having any interest in the question to arbitrate between the parties, and by his award under his hand and seal to assess the proportion aforesaid, if any; and the arbitrator shall assess the costs of the arbitration, and direct by whom and in what proportion and out of what fund

Adjustment
between
boroughs and
counties on
change of
boundaries.

(1) See note (k), *ante*, p. 238.

they shall be paid; and the rate aforesaid shall continue to be levied by warrant of the council and to be paid by the place aforesaid to the treasurer of the borough, as if the Municipal Corporations Act, 1835, or any Act amending it, or this Act, had not been passed, until the proportion aforesaid is satisfied, and no longer.

Time (l).

Computation
of time.

230.—(1.) Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at the latest on the last day of the limited time as so computed, unless the last day is a Sunday, Christmas Day, Good Friday, or Monday or Tuesday in Easter week, or a day appointed for public fast, humiliation, or thanksgiving, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

(2.) Where by this Act any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

(3.) Where by this Act any act or proceeding is directed or allowed to be done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

Distance.

Measurement
of distances.

231. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane, and may be determined by the map made under the survey commonly known as the Ordnance Survey.

(l) Where any particular hour is mentioned, Greenwich time is to be followed: 43 & 44 Vict. c. 9.

Notices.

232. Any notice or other document required by this Act to be fixed on the town hall shall be fixed in some conspicuous place on or near the outer door of the town hall, or, if there is no town hall, in some conspicuous place in the borough or ward to which the notice or document relates.

Notices on town hall.

Inspection and Copies.

233.—(1.) The minutes of proceedings of the council shall be open to the inspection of a burgess on payment of a fee of one shilling, and a burgess may make a copy thereof or take an extract therefrom (*m*).

Inspection of documents.

(2.) A burgess may make a copy of or take an extract from an order of the council for the payment of money.

(3.) The treasurer's accounts shall be open to the inspection of the council, and a member of the council may make a copy thereof or take an extract therefrom.

(4.) The abstract of the treasurer's accounts shall be open to the inspection of all the ratepayers of the borough, and copies thereof shall be delivered to a ratepayer on payment of a reasonable price for each copy.

(5.) The freeman's roll shall be open to public inspection, and the town clerk shall deliver copies thereof to any person on payment of a reasonable price for each copy (*n*).

(6.) A document directed by this Act to be open to inspection shall be so open at any reasonable time during the ordinary hours of business, and without payment, unless it is otherwise expressed.

(7.) If a person having the custody of any document in this section mentioned—

(a) Obstructs any person authorized to inspect the same in making such inspection thereof as in this section mentioned; or,

(b) Refuses to give copies or extracts to any person entitled to obtain the same under this section;

he shall, on summary conviction, be liable to a fine not exceeding five pounds.

(*m*) For "burgess" read "burgess or county elector." As to giving minutes in evidence, see sect. 22 (5), *ante*.

(*n*) As to parish burgess lists and lists of claimants and respondents, see sect. 75 (2), *ante*.

Fees.

Tables of fees
to be posted.

234. The town clerk (*n*) of every borough shall cause a true copy of the tables of fees for the time being authorized to be taken by the clerk of the peace (*n*) (if any) for the borough, by the clerk to the justices (*p*) (if any) for the borough, and by the registrar and officers of the borough civil court (if any), to be posted conspicuously in the following places :

- (a) The room where the business of the town clerk's office is transacted ;
- (b) The room, if any, where the justices of the borough sit for transacting their business ;
- (c) The room, if any, where the Court of quarter sessions of the borough is held ; and
- (d) The room, if any, where the borough civil Court is held.

Seals and Signatures.

Forgery.

235. If any person forges the seal or signature affixed or subscribed to a bye-law made under this Act, or the signature subscribed to any minute of proceedings of the council, or tenders in evidence any such document with a false or counterfeit seal or signature, knowing it to be false or counterfeit, he shall be liable to imprisonment with hard labour for any term not exceeding two years.

Applications to Treasury.

Notice of
application to
and corres-
pondence with
Treasury.

236.—(1.) Where the council intend to apply to the Treasury for their approval of any sale, loan, or other financial arrangement under this Act, notice of the intention to make the application shall be fixed on the town hall (*r*) one month at least before the application (*s*), and a copy of the intended application shall during that month be kept in the town clerk's office, and be open to public inspection (*t*).

(2.) If the Treasury either refuse their approval or grant

(*n*) See L. G. Act, sect. 75 (5), and sect. 82, pp. 101 and 113, *ante*.

(*p*) See Justices' Clerks Act, 1877 (40 & 41 Vict. c. 43), s. 8.

(*r*) See sect. 232, *ante*.

(*s*) As to computation of time, see sect. 230, *ante*.

(*t*) See sect. 233 (6), (7), *ante*.

it conditionally or under qualifications, notice of the correspondence between the Treasury and the council shall forthwith and during one month be fixed on the town hall, and a copy of the correspondence shall during that month be kept in the town clerk's office, and be open to public inspection.

Deputy.

237. No defect in the appointment of a deputy under this Act shall invalidate his acts (*u*).

Acts of deputy not to be invalidated by defect in appointment.

Overseers.

238.—(1.) Every matter by the Municipal Corporations Acts directed to be done by overseers may be lawfully done by the major part of them.

Notices to and acting of overseers.

(2.) Any notice by the Municipal Corporations Acts required to be given to overseers may be delivered to any one of them, or left at his place of abode, or at his office for transacting parochial business.

Declarations and Oaths.

239.—(1.) Where by or under this Act a declaration or oath is required to be made or taken by the holder of a corporate office or other person before the council or any members thereof, or any other persons, they shall have authority to receive and administer the same without any commission or authority other than this Act (*x*).

Power to administer oaths, &c.

(2.) Nothing in this Act in any case shall require or authorise the taking or making of any oath or declaration that would not have been required or authorised under the Promissory Oaths Act, 1868, or otherwise by law, if this Act had not been passed, or interfere with the operation of the Promissory Oaths Act, 1868.

31 & 32 Vict. c. 72.

Forms.

240. The forms in the Eighth Schedule or forms to the like effect, varied as circumstances require, may be used, and shall be sufficient in law (*y*).

Forms in schedule.

(*u*) This provision is new.

(*x*) But county councils or members thereof cannot administer an oath: L. G. Act, sect. 78 (2) (b), p. 108, *ante*.

(*y*) See further sect. 72, *ante*.

Misnomer or Inaccurate Description.

Misnomer or inaccurate description not to hinder.

241. No misnomer or inaccurate description of any person, body corporate, or place named in any schedule to the Municipal Corporations Act, 1835, or in any roll, list, notice, or voting paper required by this Act, shall hinder the full operation of this Act with respect to that person, body corporate, or place, provided the description of that person, body corporate, or place be such as to be commonly understood (z).

Substitution in former Acts (a).

Provision for references in unrepealed enactments to 5 & 6 Will. IV. c. 76, &c.

242.—(1.) In the several enactments described in Part I. of the Ninth Schedule, a reference to this Act shall be deemed to be substituted for a reference to the Municipal Corporations Act, 1835, and any Act amending it.

(2.) In each of the enactments described in Part II. of the Ninth Schedule, there shall be substituted for the respective provision of the Municipal Corporations Act, 1835, in that part mentioned in connection therewith, such provision of this Act as is also mentioned in connection therewith.

(3.) Where any Act passed before this Act, and not specified in the First or in the Ninth Schedules, refers to the Municipal Corporations Act, 1835, or any Act amending it, or to boroughs or corporations subject to that Act or any Act amending it, the reference shall be deemed to be to this Act

(z) Under the corresponding section of the previous enactment, 5 & 6 Will. 4, c. 76, s. 142, it was held that this provision cured only an inaccurate description of the real person, and not a description of a person other than the real one: *R. v. Coward*, 16 Q. B. 819. It has also been held that an abbreviation by initials is a curable misnomer: *R. v. Plenty*, ante, p. 205. See also *R. v. Bradley*, *ib.*; *R. v. Gregory*, 1 E. & B. 600; *R. v. Thwaites*, *ib.* 704; *R. v. Spratley*, 6 E. & B. 363; and *Soper v. Mayor of Basingstoke*, L. R. 2 C. P. D. 441; 46 L. J. C. P. 422; 36 L. T. N. S. 468; 25 W. R. 693. In *Gothard v. Clarke*, L. R. 5 C. P. D. 253; 49 L. J. C. P. 474; 42 L. T. N. S. 776, it was held that a wrong statement in a nomination paper of the number on the burgess roll of a nominating burgess was not remedied and could not be amended under the provisions of 41 & 42 Vict. c. 26, s. 41, and 35 & 36 Vict. c. 33, s. 13. The words “commonly understood” in the proviso to this section mean commonly understood by any person comparing the nomination paper and the burgess roll: *Moorhouse v. Linney*, L. R. 15 Q. B. D. 273.

(a) Compare sect. 313 of the Public Health Act, 1875 (Local and Municipal Government, p. 215).

or to the corresponding provision of this Act, or to boroughs or corporations subject to this Act (as the case may require).

(4.) All enactments to which this section relates shall, except as in this section provided, continue to operate as if this Act had not been passed.

243. Such of the Acts specified in the First Schedule as will remain in force to any extent after the commencement of this Act may continue to be cited by the short titles in that schedule mentioned.

Short titles of Acts partly repealed.

Returning Officers at Parliamentary Elections.

244.—(1.) In boroughs, other than cities and towns being counties of themselves, the mayor shall be the returning officer at parliamentary elections (*c*); but this provision shall not extend to the borough of Berwick-upon-Tweed.

Mayor of certain boroughs to be returning officer in parliamentary elections.

(2.) If there are more mayors than one within the boundaries of a parliamentary borough, the mayor of that borough to which the writ of election is directed shall be the returning officer.

(3.) If when a mayor is required to act as returning officer the mayor is absent, or incapable of acting, or there is no mayor, the council shall forthwith choose an alderman to be returning officer.

Disfranchised Parliamentary Boroughs.

245. Where a borough has, in pursuance of the Representation of the People Act, 1867, or of any Act passed in the session of the thirty-first and thirty-second years of the reign of Her Majesty, ceased to return a member to serve in Parliament, and the persons entitled to vote for the member or members formerly returned by the borough were by law electors for any other purpose, the burgesses of the borough shall be electors for that purpose, and shall in all respects, as regards that purpose, be substituted for the persons so entitled to vote.

Electors in disfranchised boroughs. 30 & 31 Vict. c. 102.

Licensing.

246. In the Act of the ninth year of the reign of King George the Fourth, chapter sixty-one, “to regulate the

Explanation of terms “town cor-

(*c*) The mayor, if a registered elector, has a casting, but no other vote: 35 & 36 Vict. c. 33, s. 2.

porate," &c.,
in Licensing
Act.

granting of licences to keepers of inns, alehouses, and victualling houses in England," the expressions "town corporate," "county or place," and "division or place," include every borough having a separate commission of the peace, and the expression "high constable," includes any constable of any such borough to whom the justices of the borough direct their precept under that Act (*d*).

Freedom of Trading.

Right of free
trading in
boroughs.

247. Notwithstanding any custom or bye-law (*e*), every person in any borough may keep any shop for the sale of all lawful wares and merchandises by wholesale or retail, and use every lawful trade, occupation, mystery, and handicraft for hire, gain, sale, or otherwise within any borough.

Cinque Ports.

Special pro-
visions as to
certain of the
Cinque Ports.

248.—(1.) The boroughs of Hastings, Sandwich, Dover, Hythe, being four of the Cinque Ports, and the borough of Rye, are in this section referred to as the five boroughs.

(2.) The jurisdiction, powers, and authorities of the court of quarter sessions, recorder, coroner, and clerk of the peace for each of the five boroughs shall extend to the non-corporate members and liberties thereof (*f*), and to such corporate members thereof as have not a separate court of quarter sessions.

(3.) The jurisdiction, powers, and authorities of the persons constituted justices within and throughout the liberties of the

(*d*) The previous enactment was 24 & 25 Vict. c. 75, s. 4, which was passed in consequence of the doubts created by the conflicting cases of *Candlish v. Simpson*, 1 B. & S. 357; 30 L. J. M. C. 178, and *Brown v. Nicholson*, 5 C. B. N. S. 468; 28 L. J. M. C. 49. It has been decided in *Winn v. Mossman*, L. R. 4 Ex. 292; 38 L. J. Ex. 200; 20 L. T. N. S. 672; 17 W. R. 924, that this enactment only applies to the power of granting and withdrawing licences given by it, and does not affect the application of penalties fixed by its 26th section.

(*e*) See sects. 23, 24, and notes thereto, *ante*; and see the saving clause, sect. 260 (3), *post*.

(*f*) By sect. 13 (3) of the Municipal Corporations Act, 1883 (Local and Municipal Government, p. 386), the non-corporate members of a cinque port are to form part of the body of the county and hundred and other division in which such members are situate.

Cinque Ports by virtue of their commission, shall extend to all places being within the limits of the five boroughs or of their members or liberties, corporate or non-corporate, and not being within the limits of a borough having a separate commission of the peace.

(4.) The justices for the five boroughs respectively shall have all the jurisdiction, powers, and authorities of justices for a county relating to the granting of licences or authorities to persons to keep inns, ale-houses, or victualling houses, or to sell exciseable liquors by retail within any of the corporate or non-corporate members or liberties of the five boroughs respectively, not being within the limits of a borough having a separate commission of the peace (*g*).

(5.) The non-corporate members and liberties of the five boroughs and such corporate members thereof as have not a separate court of quarter sessions shall be charged by the respective courts of quarter sessions of the five boroughs, with a due proportion of all those expenses of the five boroughs, to the payment whereof rates in the nature of county rates are applicable; and such rates may be assessed and levied in the manner in which rates of that description were assessed and levied before the passing of the Municipal Corporations Act, 1835, under any enactment then in force, but subject to the operation of any subsequent enactment affecting the same.

(6.) A due proportion of inhabitant householders to serve as grand jurors and jurors at the respective courts of quarter sessions of the five boroughs shall be summoned by the clerks of the peace thereof from the non-corporate members and liberties thereof, and such corporate members thereof as have not a separate court of quarter sessions; and the attendance of such jurors shall be enforced, and their defaults punished, in the manner by this Act directed with respect to jurors in boroughs.

(7.) Nothing in this section shall affect the Cinque Ports Act, 1869, or the Acts therein recited (*i*). 32 & 33 Vict.
c. 53.

(*g*) See 35 & 36 Vict. c. 94, ss. 37, 38.

(*i*) See, further, the saving clause (sect. 13) in the Municipal Corporations Act, 1883 (Local and Municipal Government, p. 386).

*Appendix.**Cambridge.*

Vice-Chancellor of Cambridge.

249.—(1.) It shall be lawful for the Queen, from time to time, by her commission of the peace for the borough of Cambridge, to constitute the Vice-Chancellor for the time being of the University of Cambridge a justice for that borough.

(2.) He shall not, by reason of being so constituted, have any greater authority as to the grant of licences to alehouses than any other justice named in the commission.

(3.) But nothing in this section shall affect the rights and privileges which the Vice-Chancellor lawfully has or enjoys, or might have lawfully had or enjoyed if he were not so constituted a justice (*k*).

Savings.

Saving for existing corporations.

250.—(1.) Nothing in this Act shall prejudicially affect any charter granted before the commencement of this Act, or take away, abridge, or prejudicially affect any of the rights, powers, privileges, estates, property, duties, liabilities, or obligations vested in or imposed on any municipal corporation existing at the commencement of this Act, or in or on the mayor, or the council of a borough then existing, or any members or committee of the council, by the incorporation of the inhabitants of the borough, or by transfer from any other authority, or otherwise; but every such charter shall continue to operate, and every such corporation shall continue to have perpetual succession and a common seal, and to be capable in law by the council to do and suffer all acts which at the commencement of this Act they and their successors respectively may lawfully do or suffer, and the corporation and all members and officers thereof and their sureties, and every such mayor, and every such council and committee, and every such officer, shall continue to have, enjoy, and be subject to the like rights, powers, offices, privileges, estates, property, duties, liabilities, and obligations, as if this Act had not been passed, without prejudice, nevertheless, to the operation of the repeal of enactments by this Act, and to the other express provisions of this Act.

(*k*) See, further, sect. 257, *post*.

(2.) Nothing in this Act shall alter the boundaries (*l*) of any borough existing at the commencement of this Act, or the number, apportionment, or qualification of the aldermen or councillors thereof, or the division thereof into wards.

(3.) Nothing in this Act shall affect the right of the council of a borough to collect by their own officers the borough rate and watch rate, or either of them, where, at the commencement of this Act, they are authorised by law to so collect, and are so collecting, the same.

(4.) Nothing in this Act shall alter the respective jurisdiction of county and borough justices.

(5.) Nothing in this Act shall affect the right of any borough named in schedule (A.) to the Municipal Corporations Act, 1835, to have a separate commission of the peace.

251. Nothing in this Act shall alter the effect of any local Act of Parliament (*m*). Saving for local Acts.

252. Nothing in this Act, except the provision referring to the Ninth Schedule, shall affect the Prison Act, 1865, or the Prison Act, 1877, and nothing in this Act shall affect the Act of the session of the fifth and sixth years of Her Majesty, chapter ninety-eight, “to amend the laws concerning prisons,” or revive or restore any enactment which, being contained in that Act, or in the Municipal Corporations (Justices) Act, 1850, or in any other Act, is virtually repealed or superseded by the Prison Act, 1865, or the Prison Act, 1877. Saving for Prison Acts. 28 & 29 Vict. c. 126. 40 & 41 Vict. c. 21. 13 & 14 Vict. c. 91.

253. Nothing in this Act shall compel the acceptance of any office or duty whatever in any borough by any military, naval, or marine officer in Her Majesty’s service on full pay or half pay, or by any officer or other person employed and residing in any of Her Majesty’s dockyards, victualling establishments, arsenals, barracks, or other naval or military establishments (*n*). Saving for military and naval officers, &c.

(*l*) See sect. 238, *ante*.

(*m*) This does not apply as regards county councils: L. G. Act, s. 75 (16) (b). See the Public Health Act, 1875, sects. 303, 340 (Local and Mun. Gov., pp. 209, 223).

(*n*) A commissioned officer in full pay in Her Majesty’s regular forces is incapable of being nominated or elected to be sheriff, mayor,

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Saving for
dockyards,
barracks, &c.

254. Nothing in this Act shall affect the watching, paving, or lighting, or the internal regulations for the government, of any of Her Majesty's dockyards, victualling establishments, arsenals, barracks, or other naval or military establishments, or make the tenements therein or the inhabitants thereof liable to any rate for watching, paving, or lighting.

Saving as to
Admiralty.

255. Nothing in this Act shall affect the authority of justices vested in the Commissioners for executing the office of Lord High Admiral of the United Kingdom, or any authority to appoint coroners to act within the jurisdiction of the Admiralty.

Saving for
Lord Warden.

256. Nothing in this Act shall affect the jurisdiction and office of the Lord Warden in his office of Admiral of the Cinque Ports (*o*).

Saving for
universities.

257. (*oo*) Nothing in this Act shall—

- (1.) Affect the rights, privileges, duties, or liabilities of the chancellor, masters, and scholars of the Universities of Oxford and Cambridge respectively, as by law possessed under the respective charters of those universities or otherwise; or
- (2.) Entitle the mayors of Oxford and Cambridge respectively to any precedence over the vice-chancellors of those universities respectively (*p*); or
- (3.) Entitle any person to be enrolled a citizen of the city of Oxford or burgess of the borough of Cambridge by reason of his occupation of any rooms, chambers, or premises in any college or hall of either of those universities; or
- (4.) Compel any resident member of either of those uni-

or alderman, or of holding any office in any municipality in any city or borough: Army Act, 1881 (44 & 45 Vict. c. 58, s. 146). This does not affect the competence or liability to serve of an officer of the auxiliary forces, though his battalion or corps are assembled for annual training at the time of nomination or election, or during tenure of office. *Ibid.* s. 181 (5).

(*o*) See sect. 248, *ante*.

(*oo*) This section does not apply as regards county councils: L. G. Act, s. 75 (16) (b).

(*p*) See sects. 15 (5) and 155 (2), *ante*.

versities to accept any office in or under the municipal corporation of Oxford or of Cambridge; or

- (5.) Authorise the levy of any rate within the precincts of those universities, or of any of the colleges or halls thereof, which now by law cannot be levied therein, or make either of those universities, or the members thereof, liable to any rate to which they are not liable to contribute at the commencement of this Act; or
- (6.) Authorise the transfer of any rights or liabilities by a local authority to the municipal corporation of the borough of Cambridge without the consent of the chancellor, master, and scholars of the University of Cambridge; or
- (7.) Affect the rights or privileges granted by charter or Act of Parliament to the University of Durham.

258. Nothing in this Act shall prevent any jurisdiction or authority exercised in or over the precinct or close of any cathedral from being continued concurrently with the jurisdiction and authority of the justices of the borough in which the precinct or close is situate. Saving for jurisdiction over cathedral precincts.

259. Nothing in this Act shall prejudicially affect Her Majesty's royal prerogative (*q*); and the enabling provisions of this Act shall be deemed to be in addition to, and not in derogation of, the powers exerciseable by Her Majesty by virtue of her royal prerogative. Saving for royal prerogative.

260.—(1.) The repeal effected by this Act shall not affect— Saving as to repealed enactments.

- (a) Anything done or suffered before the commencement of this Act under any enactment repealed by this Act; or
- (b) Any proceeding or thing pending or in course of being done at the commencement of this Act under any enactment repealed by this Act; or

(*q*) See the maxim, "*Roy n'est lie per ascun statute, si il ne soit expressement nosme,*" and comments thereon, Broom's Legal Maxims, p. 73, 4th ed.

- (c) Any jurisdiction or practice established, confirmed, or transferred, or right or privilege acquired or confirmed, or duty or liability imposed or incurred, or compensation secured, by or under any enactment repealed by this Act; or
- (d) Any disability or disqualification existing at the commencement of this Act under any enactment repealed by this Act; or
- (e) Any fine, forfeiture, punishment, or other consequence incurred or to be incurred in respect of any offence committed before the commencement of this Act against any enactment repealed by this Act; or
- (f) The institution or the prosecution to its termination of any legal proceeding or other remedy for ascertaining, enforcing, or recovering any such jurisdiction, practice, right, privilege, duty, liability, compensation (*r*), disability, disqualification, fine, forfeiture, punishment, or consequence as aforesaid; or
- (g) The terms on which any money has been borrowed before the commencement of this Act under any enactment repealed by this Act.

(2.) The repeal effected by this Act shall not extend to Scotland or Ireland, and shall not, as regards the enactments described in Part II. of the First Schedule, operate in respect of any place other than a borough to which this Act applies, and shall not revive or restore any statute, law, usage, custom, royal, or other charter, grant, letters patent, bye-law, jurisdiction, office, right, title, claim, privilege, liability, disqualification, exemption, restriction, practice, procedure, or other matter or thing abolished by the Municipal Corporations Act, 1835, or not in force or existing at the commencement of this Act, or otherwise affect the past operation of any enactment repealed by this Act.

(3.) All elections, declarations, appointments, bye-laws, rates, tables of fees, and regulations made, or pending, or in the course of being made, and all other things done, or pending, or in the course of being done, under the Municipal Corporations Act, 1835, or any other enactment repealed by

(*r*) See 5 & 6 Will. 4, c. 76, ss. 66, 67.

this Act, before or at the commencement of this Act, shall for the purposes of this Act be of the like effect as if they had been made or done, or were pending, or in the course of being made or done under this Act, and shall, as far as may be requisite for the continuance, validity, and effect thereof, be deemed to have been made or done, or may be carried on and be made or done, as the case may require, under this Act.

SCHEDULES.

THE SECOND SCHEDULE (s).

Sched. II

MEETINGS AND PROCEEDINGS OF COUNCIL.

1. The council shall hold four quarterly meetings in every year for the transaction of general business.

2. The quarterly meetings shall be held at noon (*t*) on each ninth of November (*u*), and at such hour on such other three days before the first of November then next following as the council at the quarterly meeting in November decide, or afterwards from time to time by standing order determine.

3. The mayor may at any time call a meeting of the council (*x*).

4. If the mayor refuses to call a meeting after a requisition for that purpose, signed by five members of the council, has been presented to him, any five members of the council may forthwith, on that refusal, call a meeting. If the mayor (without so refusing) does not within seven days after such presentation call a meeting, any five members of the council may, on the expiration of those seven days, call a meeting.

5. Three clear days at least before any meeting of the council, notice of the time and place of the intended meeting, signed by the mayor, or if the meeting is called by members

(s) See sect. 22, *ante*.

(t) Greenwich time: 43 & 44 Vict. c. 9.

(u) As applied to county councils the 7th of November: L. G. Act, s. 75 (13), *ante*, p. 102. As to the day happening to fall on Sunday, &c., see sect. 230, *ante*.

As to the order of business, see sects. 61 (1), (2), 170 (1), (2), 60 (1), (2), *ante*.

(x) See rules 6, 8, *infra*.

Sched. II.

of the council, by those members, shall be fixed on the town hall (*y*). Where the meeting is called by members of the council, the notice shall specify the business proposed to be transacted thereat.

6. Three clear days at least before any meeting of the council, a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the town clerk, shall be left [or delivered by post in a registered letter] at the usual place of abode of every member of the council, three clear days at least before the meeting (*z*).

7. Want of service of the summons on any member of the council shall not affect the validity of a meeting.

8. No business shall be transacted at a meeting other than that specified in the summons relating thereto, except, in case of a quarterly meeting, business prescribed by this Act to be transacted thereat.

9. At every meeting of the council, the mayor, if present, shall be chairman. If the mayor is absent, then the deputy mayor, if chosen for that purpose by the members of the council then present, shall be chairman. If both the mayor and the deputy mayor are absent, or the deputy mayor, being present, is not chosen, then such alderman, or in the absence of all the aldermen, such councillor, as the members of the council then present choose, shall be chairman.

10. All acts of the council, and all questions coming or arising before the council, may be done and decided by the majority of such members of the council as are present and vote at a meeting held in pursuance of this Act, the whole number present at the meeting, whether voting or not, not being less than *one-fourth* [Local Government Act, s. 75 (15), *ante*] of the number of the whole council (*a*).

11. In case of equality of votes, the chairman of the meeting shall have a second or casting vote.

12. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose, and shall be signed in manner authorized by this Act (*b*).

(*y*) See sect. 232, *ante*.

(*z*) The words in brackets are new. As to adjourned meeting, see *R. v. Grimshaw*, 10 Q. B. 747.

(*a*) See sect. 22 (3), *ante*.

(*b*) See sects. 22 (5), 233, and 235, *ante*.

13. Subject to the foregoing provisions of this schedule, the council may from time to time make standing orders for the regulation of their proceedings and business, and vary or revoke the same.

THE THIRD SCHEDULE.

ELECTIONS.

PART II.

As to powers, &c. of the mayor, town clerk, &c. in boroughs at first election, see Order of Local Government Board, *post*, p. 351.

Rules as to Nomination in Elections of Councillors (c).

1. Every candidate for the office of councillor must be nominated in writing (*d*).

2. The writing must be subscribed by two burgesses of the borough or, in the case of a ward election, of the ward, as proposer and seconder, and by eight other burgesses of the borough or ward, as assenting to the nomination (*d*).

3. Each candidate must be nominated by a separate nomination paper, but the same burgesses, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more (*d*).

(c) These rules apply to the nomination of elective and revising assessors. See sects. 62 and 72, *ante*.

(d) The nomination paper of a county councillor must be signed by two county electors of the electoral division, and by eight other county electors of the county or electoral division. As to inaccurate description, &c., see the notes to sect. 241, *ante*. In *Harmon v. Park*, L. R. 7 Q. B. D. 369; 50 L. J. Q. B. 775; 45 L. T. N. S. 174; 45 J. P. 714, it was decided under 38 & 39 Vict. c. 40, s. 1 (2), that after a nomination paper was completed and delivered to the town clerk, it could not be altered by striking out the name of the proposer and inserting the name of another duly enrolled burgess.

A nomination paper was subscribed with the full and correct name of "Charles Arthur Bowman" as an assenting burgess; his name was erroneously entered on the burgess roll as "Charles Bowman" only. It was held that he was ineligible to subscribe the nomination paper, and the nomination was bad, such defect not being cured by sect. 241: *Moorhouse v. Linney*, L. R. 15 Q. B. D. 273; 53 L. T. N. S. 343; 33 W. R. 704; 49 J. P. 471.

As to a candidate being nominated twice, one nomination being good and the other bad, and as to adding together the votes given under both nominations, see *Northcote v. Pulsford*, L. R. 10 C. P. 476; 44 L. J. C. P. 217; 32 L. T. N. S. 602; 23 W. R. 700.

It would seem that where the same burgess subscribes more nomination papers than there are vacancies, the first nomination papers subscribed to the number of the vacancies are not invalid. See *Burgoyne v. Collins*, L. R. 8 Q. B. D. 450; 51 L. J. Q. B. 335; 30 W. R. 923; 46 J. P. 390; and now see rule 10, *post*.

4. Each person nominated must be enrolled in the burgess roll (*e*) or entered in the separate non-resident list (*f*) required by this Act to be made.

5. The nomination paper must state the surname and other names (*g*) of the candidate, with his abode (*h*) and description.

6. The town clerk (*hh*) shall provide nomination papers, and shall supply any burgess with as many nomination papers as may be required (*i*), and shall, at the request of any burgess, fill up a nomination paper.

7. Every nomination paper subscribed as aforesaid must be delivered by the candidate, or his proposer or seconder (*j*), at the town clerk's office (*k*), seven days at least (*l*) before the day of election, and before five o'clock (*m*) in the afternoon of the last day for delivery of nomination papers.

8. The town clerk (*hh*) shall forthwith send notice of every such nomination to each candidate.

9. The mayor shall attend at the town hall on the day next after the last day for delivery of nomination papers for a sufficient time, between the hours of two and four in the afternoon, and shall decide on the validity of every objection made in writing to a nomination paper (*n*).

10. Where a person subscribes more nomination papers

(*e*) See rule 18, *post*, and sect. 11 (2) (a), *ante*. For "burgess roll" read "county register": County Electors Act, sect. 7 (2), p. 170.

(*f*) See sect. 49, *ante*, and sect. 11 (2) (b), *ante*.

(*g*) See *Mather v. Brown*, *ante*, p. 205; and *Harmon v. Park*, *ante*, p. 255.

(*h*) See *Soper v. Mayor of Basingstoke*, *ante*, p. 244.

(*hh*) L. G. Act, sect. 75 (6); in county electoral divisions the returning officer or his deputy: *Ibid.*, sect. 75 (2), (3), (5).

(*i*) See rule 3, *ante*, and rule 10, *post*.

(*j*) Under 38 & 39 Vict. c. 40, s. 1, delivery by an agent was held insufficient: *Monks v. Jackson*, L. R. 1 C. P. D. 683; 46 L. J. C. P. 162; 35 L. T. N. S. 95.

(*k*) See now Local Government Act, s. 75 (7).

(*l*) The Local Government Act, s. 75 (9), *ante*, makes the period between nomination and election "such period, not exceeding six days, as the returning officer may fix." As to computation of time, see sect. 230, *ante*; and *R. v. JJ. of Middlesex*, 3 D. & L. 109; 14 L. J. M. C. 139.

(*m*) Greenwich time: 43 & 44 Vict. c. 9.

(*n*) See note (*l*), *supra*, and rule 14, *post*. Where the election of county councillor is not in a borough, the returning officer is to fix a place for hearing objections to nomination papers. See Local Government Act, s. 75 (2), (7), (16) (g), *ante*, pp. 101, 103.

than one, his subscription shall be inoperative in all but the one which is first delivered (o).

11. Each candidate may, by writing signed by him, or if he is absent from the United Kingdom, then his proposer or seconder may, by writing signed by him, appoint a person (in this schedule referred to as the candidate's representative) to attend the proceedings before the mayor (oo) on behalf of the candidate, and this appointment must be delivered to the town clerk (p) before five o'clock (pp) in the afternoon of the last day for delivery of nomination papers.

12. Each candidate and his representative, but no other person, except for the purpose of assisting the mayor (oo), shall be entitled to attend the proceedings before the mayor.

13. Each candidate and his representative may, during the time appointed for the attendance of the mayor (oo) for the purposes of this schedule, object to the nomination paper of any other candidate for the borough or ward.

14. The decision of the mayor (oo) shall be given in writing, and shall, if disallowing an objection, be final, but, if allowing an objection, shall be subject to reversal on petition questioning the election or return (q).

15. The town clerk (p) shall at least four days (r) before the day of election cause the surnames and other names of all persons validly nominated, with their respective abodes and descriptions, and the names of the persons subscribing their nomination papers as proposers and seconders, to be printed and fixed on the town hall (s), and in the case of a ward election, in some conspicuous place in the ward.

(o) See rule 3, and notes thereon.

(oo) In county electoral divisions, the returning officer for the county or his deputy. See L. G. Act, s. 75 (2), (3), (4) and (6).

(p) L. G. Act, s. 75 (6): in county electoral divisions the returning officer or his deputy. *Ibid.*, s. 75 (2), (3) and (5).

(pp) See note (m), *supra*.

(q) It would seem that the mayor has no power to deal with an objection as to the time of delivering a nomination paper, and that his decision may be questioned on petition: *Howes v. Turner*, *ante*, p. 216. An objection as to the proper delivery of a nomination paper is cognizable by the mayor: *Monks v. Jackson*, *ante*, p. 256.

See, also, as to what questions can be entertained by the mayor, *Burgoyne v. Collins*, *ante*, p. 255; *Harmon v. Park*, *ante*, p. 256; *Budge v. Andrews*, *ante*, p. 198; and *Gothard v. Clarke*, *ante*, p. 209.

(r) As to computation of time, see sect. 230, *ante*.

(s) See sect. 232, *ante*.

16. The nomination of a person absent from the United Kingdom shall be void, unless his written consent given within one month before the day of his nomination in the presence of two witnesses is produced at the time of his nomination.

17. Where the number of valid nominations exceeds that of the vacancies, any candidate may withdraw from his candidature by notice signed by him and delivered at the town clerk's office not later than two o'clock (t) in the afternoon of the day next after the last day for delivery of nomination papers: Provided that such notices shall take effect in the order in which they are delivered, and that no such notice shall have effect so as to reduce the number of candidates ultimately standing nominated below the number of vacancies.

18. In and for the purposes of the provisions of this Act relating to proceedings preliminary to election, the burgess roll or ward roll which will be in force on the day of election shall be deemed to be the burgess roll or ward roll, and a person whose name is inserted in one of the lists from which the burgess roll or ward roll will be made up, shall be deemed to be enrolled in that roll although that roll is not yet completed (u).

PART III.

☞ As to powers, &c. of the mayor, town clerk, &c. in boroughs at first election, see Order of Local Government Board, *post*, p. 351.

Modifications of the Ballot Act in its Application to Municipal Elections (v).

1. The provisions of the Ballot Act, 1872, with respect to the voting of a returning officer, the use of a room for taking a poll, and the right to vote of persons whose names are on the register of voters, and rules 16 and 19 in the schedule to that Act, shall not apply in the case of a municipal election.

(t) Greenwich time: 43 & 44 Vict. c. 9.

(u) See *Budge v. Andrews*, *ante*, p. 198. For "burgess roll" read "burgess roll or county register."

(v) See sect. 58 (1), *ante*. See the provisions of the Ballot Act in so far as it applies to municipal elections. (Local and Municipal Government, pp. 285, 1264.)

2. The mayor (*u*) shall at least four days before the day of election give public notice of the situation, division, and allotment of polling places for taking the poll at the election, and of the description of the persons entitled to vote thereat, and at the several polling stations.

3. The mayor (*u*) shall provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, and shall appoint officers for taking the poll and counting the votes.

4. The mayor (*u*) shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation, and furnish each presiding officer with such number of ballot papers as in the judgment of the mayor may be necessary for effectually taking the poll at the election.

5. All expenses of the election shall be defrayed in manner by this Act provided (*v*).

6. No return shall be made to the clerk of the Crown in Chancery (*x*).

THE EIGHTH SCHEDULE.

FORMS (*y*).

PART I.

Declarations on accepting Office (z).

FORM A.

FORM OF DECLARATION ON ACCEPTANCE OF CORPORATE OFFICE.

I, *A. B.*, having been elected mayor [*or* alderman, councillor, elective auditor, *or* revising assessor] for the borough of _____, hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability

(*u*) In county electoral divisions, the returning officer or his deputy: L. G. Act, s. 75 (2), (3), (4).

(*v*) But see Local Gov. Act, s. 75 (17), *ante*, p. 104.

(*x*) A return must be made to the clerk of the county council. (Local Government Act, s. 75 (8), *ante*.)

(*y*) See sect. 240, and sects. 72 and 241, *ante*.

(*z*) See sects. 34 and 35, *ante*.

Sched.VIII.

[and in the case of the person being qualified by estate say, And I hereby declare that I am seised or possessed of real or personal estate, or both [as the case may be]; to the value or amount of one thousand pounds, or five hundred pounds [as the case may require], over and above what will satisfy my just debts].

FORM B.

DECLARATION BY RECORDER OR BOROUGH JUSTICE (a).

I, *A. B.*, hereby declare that I will faithfully and impartially execute the office of recorder [or justice of the peace] for the borough of _____, according to the best of my judgment and ability.

(a) See sects. 157 (2), and 163 (4), *ante*.

STATEMENTS as to the Licence Duties, Probate Duty Grant, and Existing Parliamentary Grants dealt with by the Local Government Bill, and the Estimated Annual Expenditure on Disturnpiked and Main Roads in England and North Wales, and Turnpike Roads in South Wales.

MEMORANDUM.

This return contains statements showing with respect to—

- (a) Each existing geographical county of England and Wales, excluding the Metropolis;
- (b) The Metropolis;
- (c) Each municipal borough of England and Wales with a population exceeding 50,000 at the last census, and the following counties of cities, viz., York, Exeter, Lincoln, Chester, Gloucester, Worcester, and Canterbury; and
- (d) Each existing geographical county of England and Wales, excluding the Metropolis and the above-mentioned boroughs and counties of cities and towns,—

(1) The amounts received during the year ended the 31st of March, 1888, on account of the licence duties proposed to be transferred to county councils under clauses 18 and 20 of the Local Government Bill;

(2) The amounts estimated to have been received during the financial year 1887-88 on account of the parliamentary grants which under clause 23 of the Local Government Bill will cease to be paid;

(3) The proportion of the probate duty grant (1,800,000*l.*) which it is estimated will be received by the county councils if such grant is apportioned on the basis of indoor pauperism; and

(4) The estimated annual expenditure on the disturnpiked and main roads in England and North Wales and the turnpike roads in South Wales.

The amounts of the licence duties given in the return have been obtained from the Inland Revenue Department.

The licences include retailers' and dealers' licences, *i.e.*, (1) publicans' licences and all other licences for the retailing of beer (including cider), spirits, wine and sweets (including occasional licences); (2) licences of dealers in beer, spirits, wine, and sweets, and refreshment house keepers (including additional retail licences to beer and spirit dealers); (3) game dealers' licences; (4) tobacco dealers' licences; and (5) licences granted to appraisers, auctioneers, house agents, pawnbrokers, and plate dealers; and establishment licences, *i.e.*, licences in respect of (6) carriages; and (7) armorial bearings, male servants, and dogs; and (8) licences to kill game (including game keepers' licences), and to carry guns.

Game dealers' licences, when issued by collectors of Inland Revenue (and not by Supervisors), are, in accordance with the code of instructions to collectors, included in the charge vouchers for the borough in which the office of the collector is located; certain of these licences are not shown in the return as issued for the borough or county in which the trade is carried on. It should also be stated with reference to this part of the return that where a municipal borough is in more than one county the licence duties in the statements relating to the counties have been apportioned by the Local Government Board among the counties in which the borough is situate on the basis of rateable value.

The amounts of the parliamentary grants have been obtained from the departments which distributed them. The grants in question are those paid in respect of (1) union, county, and borough lunatics; (2) disturnpiked and main roads; (3) poor law medical officers; (4) teachers in poor law schools; (5) registrars of births and deaths; (6) public vaccinators; (7) medical officers of health and inspectors of nuisances; (8) criminal prosecutions; (9) police; and (10) public elementary schools under 33 & 34 Vict. c. 75, s. 97.

The amounts entered in the return in respect of the grants for disturnpiked and main roads do not include the extra grant paid for the first time during the financial year 1887-88.

The sums awarded, in pursuance of sect. 5 of the Vaccination Act, 1867, to the public vaccinators in unions inspected during

the year 1887, amounted to 17,313*l.* This grant is annually paid in respect of the unions inspected during the year, but the payments are made in respect of awards for the periods which have elapsed since the previous inspection. As a general rule, each union is inspected once in every two or three years. If, in the present return, this grant had been apportioned solely amongst the unions inspected last year, the figures would not have given a fair indication of the extent to which the grant is distributed in the several counties and boroughs, taking one year with another. The grant has, therefore, been apportioned for the purposes of the return among the whole of the counties and boroughs above referred to on the basis of the number of cases of successful vaccinations in the year ended September, 1887.

The grants entered under the head of criminal prosecutions include the repayments to counties and boroughs, compensations to clerks of the peace, salaries and incidental expenses of the officers of the Central Criminal Court, and payments on account of the Middlesex Court of Sessions. The payments in respect of the Central Criminal Court have been apportioned between the metropolitan and extra-metropolitan portions of the counties of Kent, Middlesex, and Surrey, according to rateable value; and the payments in respect of the Middlesex Court of Sessions have been apportioned between the metropolitan and extra-metropolitan portions of the County of Middlesex on the same basis. Clause 23 (2) (k) of the Local Government Bill also provides that county councils shall pay into the Exchequer such sum as may be certified by the Treasury to be chargeable to the county in respect of the salaries and costs of clerks of assize and their officers. The parliamentary grant on this account, which amounted to 19,900*l.* during the year, would, if it had been possible, have been included in this return; but it has been necessary to omit it, as the amount could not be apportioned between the different counties, owing to the staff employed being distributed in circuits.

In estimating the amounts received by the several geographical counties and boroughs, the grants have been apportioned on the basis of the rateable value in the case of unions, municipal boroughs, and sanitary districts situate in

more than one county; and the same principle has been adopted in estimating the amounts received by the municipal boroughs in respect of the grants paid to boards of guardians, in cases where the union extends beyond the borough. The apportionments of the grants on account of the metropolitan police among the counties of Middlesex, Surrey, Kent, Essex, and Herts were furnished by the Receiver for the Metropolitan Police. In apportioning this grant between the metropolitan and the extra-metropolitan portions of the three first-mentioned counties, it has been necessary to take the rateable value according to the poor rate assessment as the basis of the estimate, as the amount of the assessed rentals of the metropolitan and extra-metropolitan portions of the counties could not be obtained. The amount shown as the total grants for the metropolitan police does not include the salaries of the Commissioners and Receiver, and the non-effective charge.

In estimating the apportionment of the probate duty grant (1,800,000*l.*) on the basis of indoor pauperism, the following course has been adopted:—

The indoor pauperism has been calculated on the mean between the numbers of indoor paupers on the 1st July, 1887, and the 1st January, 1888. The paupers classed as “indoor” have comprised the paupers mentioned in clause 21 (4) of the Local Government Bill, namely, paupers maintained in a workhouse, district school, separate school, separate infirmary, sick asylum, hospital for infectious diseases, or institution for the deaf, dumb, blind, or idiots, or in any certified school under the 25 & 26 Vict. c. 43, and any children boarded out, whether within or without the limits of the union, and in the Metropolitan Asylum District all inmates of any asylum for imbeciles provided by the managers of that district. Paupers relieved in casual wards have been excluded in accordance with the provisions of the Bill.

In the calculations, which have been made for the purposes of the return, the rateable value of unions and counties has been taken from the valuation lists (poor rate assessment) in force at Lady Day, 1887, as shown by the Union Assessment Committee Reports. The rateable value of boroughs has been taken from the returns of the receipts and expenditure of town councils for the financial year 1886-87. When

the rateable value of parts of unions or municipal boroughs situate in more than one county could not be ascertained from the reports and returns, the local authorities have been communicated with, and have furnished the required information.

The estimated annual expenditure for main and disturnpiked roads has been arrived at, as regards main roads in counties, by doubling the amounts paid by the several county authorities in respect of the cost of the maintenance of these roads for the year ended on the 25th of March, 1886. As regards roads disturnpiked since the 31st of December, 1870, in the Metropolis and in quarter sessions boroughs, the estimate is made from the claims of the highway authorities on the parliamentary grant for the year ended the 31st of March, 1888. For this reason the estimate, so far as the Metropolis and quarter sessions boroughs are concerned, is in all probability less than the actual annual expenditure on these roads at the present time, but the Board have no materials in their possession available for the purpose of enabling them to form a closer estimate of the expenditure in these cases.

In the six counties of South Wales there are no main roads or roads disturnpiked since the 31st of December, 1870, but the turnpike roads in these counties are under the control of the County Roads Boards. The return gives the actual cost of the repair of these roads during the year ended the 25th of March, 1886.

HUGH OWEN,
Secretary.

Local Government Board,
21st June, 1888.

No. 1.—STATEMENT showing the Amounts received in the Year ended 31st March, 1888, on account of the under-mentioned Licence Duties in each Geographical County of England and Wales excluding the Metropolis, and in the Metropolis.

COUNTIES.	Publicans' and all other Licences for the retailing of Beer (including Cider), Spirits, Wine, and Sweets (including occasional Licences).	Dealers in Beer, Spirits, Wine, and Sweets, and Refreshment House Keepers (including additional Retail Licences to Beer and Spirit Dealers).	Game Dealers.	Tobacco Dealers.	Appraisers, Auctioneers, House Agents, Pawnbrokers, and Plate Dealers.	Carriages.	Armorial Bearings, Male Servants, and Dog Licences.	Licences to kill Game (including Gamekeepers' Licences) and to carry Guns.	TOTAL.
	£	£	£	£	£	£	£	£	£
ENGLAND.									
Bedford	7,919	1,113	30	435	506	4,081	3,196	2,024	19,304
Berks	13,179	1,671	60	623	855	8,334	7,760	3,479	35,961
Buckingham	10,267	1,110	50	566	539	5,188	4,887	2,743	25,350
Cambridge	10,837	1,142	20	648	659	4,755	3,629	1,826	23,516
Chester	33,640	2,902	116	1,076	2,277	11,208	13,383	3,456	68,658
Cornwall	8,888	946	42	737	481	8,355	6,295	4,222	28,966
Cumberland	15,082	1,135	78	550	1,572	4,781	4,259	3,528	30,985
Derby	24,612	1,945	60	1,287	1,604	8,005	7,639	3,210	48,362
Devon	27,687	3,591	220	1,267	3,941	14,952	14,946	12,134	78,738
Dorset	8,135	1,708	34	481	525	5,764	4,880	2,915	24,442
Durham	43,681	3,399	98	1,784	4,372	6,552	10,525	3,447	73,858
Essex	29,498	3,575	58	1,740	1,803	12,779	13,405	5,663	68,521
Gloucester	27,324	5,971	96	1,464	2,474	14,289	13,406	5,513	70,487
Hampshire	5,773	765	36	322	659	3,864	3,512	2,500	17,431
Hertford	8,934	1,700	60	605	752	7,499	7,267	3,827	30,644
Huntingdon	3,474	375	8	222	250	2,160	1,357	1,208	9,054
Kent (excluding Metropolis)	47,033	5,973	274	1,844	3,616	18,124	21,884	7,985	106,734
Lancaster	201,563	18,815	736	8,756	20,516	36,304	45,730	11,452	343,882
Lancaster (Parts of Holland, Parts of Kesteven, Parts of Lindsey, Middlesex (excluding Metropolis), Polis).	17,987	1,875	78	955	1,458	8,687	7,423	2,773	41,116
Lincoln	3,416	665	4	226	107	1,837	1,052	995	8,291
Lincoln (Parts of Kesteven, Parts of Lindsey)	5,939	869	24	375	870	3,488	2,306	2,168	16,029
Middlesex (excluding Metropolis)	10,989	1,730	40	720	1,187	7,848	6,234	3,364	32,364
Middlesex (excluding Metropolis)	18,091	4,107	40	764	803	6,244	10,181	1,459	41,689
Monmouth	11,633	1,134	18	591	892	2,682	3,697	1,386	21,973
Norfolk	27,828	2,610	163	1,373	2,458	16,106	11,355	7,371	69,264
Northampton	18,213	1,764	82	766	1,257	7,565	6,400	3,874	54,924

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Stafford	4,504	150	2,634	2,714	14,653	16,697	7,928	80,961	
Suffolk	2,504	73	955	1,093	11,237	8,336	14,063	88,145	
Surrey (excluding Metro- polis)	4,981	74	933	845	13,683	17,979	4,283	9,561	
Sussex	7,261	124	1,274	2,714	14,653	16,697	7,928	80,961	
Warwick	4,948	232	2,094	6,601	11,729	12,634	5,231	88,145	
Westmoreland	508	4	236	116	2,228	1,600	1,417	9,561	
Wilts	1,570	58	609	955	8,177	6,111	4,046	32,118	
Worcester	2,350	82	1,312	2,137	8,024	8,002	4,368	51,612	
York, East Riding	2,292	138	1,120	4,057	7,965	6,934	4,526	45,103	
" North Riding	2,006	28	810	898	6,334	6,087	5,093	36,707	
" West Riding	9,010	481	5,459	10,567	29,587	31,122	11,021	192,462	
WALES.									
Anglesey	79	—	145	33	1,082	597	289	3,955	
Brecon	304	8	152	136	882	1,023	902	7,707	
Cardigan	126	16	129	69	1,150	737	650	4,843	
Carmarthen	508	24	212	227	1,569	1,394	969	10,442	
Carnarvon	433	56	317	779	2,110	1,551	611	11,494	
Denbigh	331	8	310	110	2,356	2,184	1,063	11,859	
Flint	227	22	242	93	1,708	1,321	536	8,476	
Glamorgan	3,063	50	1,459	3,229	5,672	7,442	1,961	54,476	
Merioneth	58	6	126	42	967	708	553	4,148	
Montgomery	234	20	180	55	1,223	1,113	882	6,426	
Pembroke	355	14	217	84	1,524	1,405	971	8,402	
Radnor	53	4	25	12	394	449	468	1,820	
Total of England and Wales, excluding Metropolitan	137,885	4,829	57,854	106,701	438,465	442,494	203,337	2,559,112	
Metropolis	49,188	1,320	5,305	28,160	57,615	74,641	13,074	427,022	
Total of England and Wales, including Metropolitan	187,073	6,149	63,159	134,861	496,080	517,135	216,411	2,986,134	

No. 2.—STATEMENT showing the Amounts received in the Year ended 31st March, 1888, on account of the under-mentioned Licence Duties, in respect of each Municipal Borough in England and Wales with a population over 50,000 at the last Census, and the Counties of Cities mentioned at page 261.

MUNICIPAL BOROUGH, &c.	Publicans' and all other Licences for the retailing of Beer (including Cider), Spirits, Wine, and Sweets (including occasional Licences).	Dealers in Beer, Spirits, Wine, and Sweets, and Refreshment Housekeepers (including additional Retail Licences to Beer and Spirit Dealers).	Game Dealers.	Tobacco Dealers.	Appraisers, Auctioneers, House Agents, Pawnbrokers, and Plate Dealers.	Carriages.	Armorial Bearings, Male Servants, and Dog Licences.	Licences to kill Game (including Gamekeepers' and Licences) to carry Guns.	TOTAL.
	£	£	£	£	£	£	£	£	£
ENGLAND.									
<i>Chester.</i>									
Birkenhead	4,465	562	—	165	282	670	1,214	137	7,495
Chester (county of city)	3,124	364	92	100	939	1,729	2,008	569	8,925
<i>Chester and Lancaster.</i>									
Stockport	3,759	243	14	203	273	747	959	186	6,384
<i>Derby.</i>									
Derby	6,315	415	56	229	685	1,990	1,997	812	12,499
<i>Devon.</i>									
Exeter (county of city)	2,958	441	20	78	349	683	654	263	5,446
Plymouth	4,085	664	40	151	1,781	2,071	1,581	654	11,027
<i>Durham.</i>									
Gateshead	3,102	152	—	137	258	187	596	81	4,513
South Shields	3,978	300	—	153	321	161	487	36	5,436
Sunderland	6,867	562	50	265	2,403	963	1,453	285	12,848
<i>Essex.</i>									
West Ham	4,903	355	14	388	436	569	1,553	114	8,312
<i>Gloucester.</i>									
Gloucester (county of city)	2,627	447	—	108	134	934	989	679	5,918
<i>Gloucester and Somerset.</i>									
Bristol (county of city)	11,757	3,839	74	483	1,988	4,433	4,340	947	27,861
<i>Kent.</i>									
Canterbury (county of city)	2,034	235	12	74	217	475	588	228	3,861

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Manchester	22,432	3,779	220	1,057	4,270	5,341	4,730	1,610	1,502	4,800
Oldham	6,866	474	28	822	1,473	1,055	1,326	220	1,161	43,923
Preston	6,338	488	20	324	481	1,204	1,859	633	220	10,764
Rochdale	3,852	399	4	192	171	792	808	149	633	10,847
Salford	6,178	493	—	460	743	438	1,052	31	149	6,367
St. Helen's	3,608	140	—	166	187	478	940	142	31	9,385
<i>Leicester.</i>										
Leicester	7,339	826	58	366	976	1,344	1,441	213	142	5,661
<i>Lincoln (parts of Lindsey).</i>										
Lincoln (county of city)	2,487	264	10	96	271	1,339	1,082	929	213	12,563
<i>Norfolk.</i>										
Norwich (county of city) ..	8,132	542	64	341	1,249	2,859	2,490	1,287	929	6,478
<i>Northampton.</i>										
Northampton	2,675	555	62	162	772	1,742	1,754	761	1,287	16,964
<i>Northumberland.</i>										
Newcastle-on-Tyne (county of city).	12,042	1,491	94	412	2,304	2,102	2,969	1,516	761	8,483
<i>Nottingham.</i>										
Nottingham (county of town).	13,501	1,181	78	579	1,356	2,864	3,320	1,209	1,516	22,930
<i>Somerset.</i>										
Bath	3,492	539	38	101	508	1,174	1,787	401	1,209	24,088
<i>Southampton.</i>										
Portsmouth	7,902	1,575	68	329	1,551	1,598	2,005	422	401	8,040
Southampton (county of town).	4,972	893	18	187	395	702	1,048	232	422	15,450
<i>Stafford.</i>										
Walsall	3,796	342	10	166	360	586	705	165	232	8,447
West Bromwich	2,642	202	4	137	348	447	443	29	165	6,130
Wolverhampton	5,306	319	28	212	631	1,292	1,286	661	29	4,320
<i>Stafford.</i>										
Ipwich	2,761	504	24	145	238	1,579	1,429	670	661	9,735
<i>Stafford.</i>										
Ipwich	2,761	504	24	145	238	1,579	1,429	670	670	7,350

No. 2.—STATEMENT showing the Amounts received in the Year ended 31st March, 1888, on account of the under-mentioned Licence Duties, in respect of each Municipal Borough in England and Wales with a population over 50,000 at the last Census, and the Counties of Cities mentioned at page 261—*continued*.

MUNICIPAL BOROUGH, &c.	Publicans' and all other Licences for the retailing of Beer (including Cider), Spirits, Wine, and Sweets (including occasional Licences).	Dealers in Beer, Spirits, Wine, and Sweets, and Refreshment House Keepers (including additional Retail Licences to Beer and Spirit Dealers).	Game Dealers.	Tobacco Dealers.	Appraisers, Auctioneers, House Agents, Pawnbrokers, and Plate Dealers.	Carriages.	Armorial Bearings, Male Servants, and Dog Licences.	Licences to kill Game (including Gamekeepers' Licences) and to carry Guns.	TOTAL.
	£	£	£	£	£	£	£	£	£
ENGLAND— <i>continued</i> .									
<i>Surrey</i> .									
Croydon	3,870	1,231	—	145	175	1,775	2,525	362	10,083
<i>Sussex</i> .									
Brighton	8,463	1,710	40	267	929	3,042	3,473	652	18,576
<i>Warwick</i> .									
Birmingham	30,108	3,038	184	1,385	5,455	4,501	5,261	1,519	51,451
<i>Worcester</i> .									
Worcester (county of city) ..	3,481	469	32	118	740	1,847	1,835	847	9,369
<i>York, East Riding</i> .									
Kingston-upon-Hull (county of town).	8,709	1,206	104	532	2,732	2,262	2,131	831	18,507
York (county of city)	3,519	607	32	171	1,068	2,238	2,157	1,238	11,030
<i>York, North Riding</i> .									
Middlesbrough	2,375	342	—	111	283	225	605	244	4,185
<i>York, West Riding</i> .									
Bradford	8,590	1,035	101	490	1,940	2,132	2,204	608	17,100
Halifax	3,158	479	18	173	311	740	1,022	123	6,924
Huddersfield	4,201	397	8	212	264	1,442	1,356	473	8,353
Leeds	11,288	1,521	100	780	1,976	4,207	4,226	792	24,890
Sheffield	16,030	1,412	122	773	2,168	3,452	3,947	1,221	29,155
WALES.									
<i>Glamorgan</i> .									
Cardiff	5,669	1,861	24	265	1,038	1,324	1,833	508	12,572
Swansea	5,584	494	16	209	1,071	902	1,017	324	9,617
Total	369,869	45,199	2,247	15,387	56,251	85,199	95,368	25,333	699,834

COUNTIES.	other Licences for the retailing of Beer (including Cider), Spirits, Wine, and Sweets (including occasional Licences).	Spirits, wine, and Sweets, and Refreshment House Keepers (including additional Retail Licences to Beer and Spirit Dealers).	Game Dealers.	Tobacco Dealers.	Appraisers, Auctioneers, House Agents, Pawnbrokers, and Plate Dealers.	Carriages.	Armed Forces, Male Servants, and Dog Licences.	to kill Game (including Gamekeepers' and Licences) to carry Guns.	TOTAL.
	£	£	£	£	£	£	£	£	£
ENGLAND.									
Bedford	7,919	1,113	30	435	506	4,081	3,196	2,024	19,304
Berks	13,179	1,671	60	623	865	8,334	7,760	3,479	35,961
Buckingham	10,267	1,110	50	566	639	5,188	4,887	2,743	25,350
Cambridge	10,837	1,142	20	648	659	4,755	3,629	1,826	23,516
Chester (excluding the municipal boroughs of Birkenhead and part of Stockport, and the county of the city of Chester).	23,389	1,804	14	1,267	863	8,275	9,482	2,618	47,712
Cornwall	8,888	946	42	737	481	8,355	5,295	4,222	28,966
Cumberland	15,082	1,135	78	550	1,572	4,781	4,259	3,528	30,985
Derby (excluding the municipal borough of Derby).	18,297	1,630	4	1,058	919	6,015	5,642	2,398	35,863
Devon (excluding the municipal borough of Plymouth and the county of the city of Exeter).	20,644	2,486	160	1,038	1,811	12,198	12,711	11,217	62,265
Dorset	8,135	1,708	34	481	525	5,764	4,880	2,915	24,442
Durham (excluding the municipal boroughs of Gateshead, South Shields, and Sunderland).	29,734	2,385	48	1,229	1,380	5,241	7,989	3,045	51,061
Essex (excluding the municipal borough of West Ham).	24,595	3,240	44	1,352	1,367	12,210	11,852	5,549	60,209
Gloucester (excluding the counties of the cities of Gloucester and part of Bristol).	14,256	2,115	30	927	574	9,368	8,562	3,993	39,825
Hereford	5,773	755	36	322	659	3,864	3,512	2,500	17,431
Hertford	8,934	1,700	60	605	752	7,499	7,267	3,327	30,644
Huntingdon	3,474	375	8	222	250	2,160	1,357	1,208	9,054
Kent (excluding Metropolitan and the county of the city of Canterbury).	44,999	5,738	262	1,770	3,400	17,649	21,298	7,757	102,873

No. 3.—STATEMENT showing the Amounts received in the Year ended 31st March, 1888, on account of the under-mentioned Licence Duties, in each County of England and Wales, excluding the Metropolis and the Municipal Boroughs and Counties of Cities included in Statement No. 2—*continued*.

COUNTIES.	Publicans' and all other Licences for the retailing of Beer (including Cider), Spirits, Wine, and Sweets (including occasional Licences).	Dealers in Beer, Spirits, Wine, and Sweets, and Refreshment House Keepers (including additional Retail Licences to Beer and Spirit Dealers).	Game Tobacco Dealers.	Appraisers, Auctioneers, House Agents, Pawnbrokers, and Plate Dealers.	Carriages.	Armorial Bearings, Male Servants, and Dog Licences.	Licences to kill Game (including Gamekeepers' Licences) and to carry Guns.	TOTAL.
	£	£	£	£	£	£	£	£
ENGLAND— <i>continued</i> .								
Leicester (excluding the municipal borough of Leicester).	82,673	6,639	194	5,260	16,746	23,910	5,861	145,501
Lincoln: Parts of Holland..	3,415	655	4	107	1,837	1,052	995	8,291
" Parts of Kesteven.	5,939	859	24	870	3,488	2,306	2,168	16,029
" Parts of Lindsey..	8,502	1,466	30	916	6,509	4,152	3,687	25,886
(excluding the county of the city of Lincoln).								
Middlesex (excluding Me-tropolis).	18,091	4,107	40	803	6,244	10,181	1,459	41,689
Monmouth.....	11,633	1,124	18	892	2,682	3,697	1,336	21,973
Norfolk (excluding the county of the city of Norwich).	19,696	2,068	99	1,209	13,247	8,865	6,084	52,300
Northampton (excluding the municipal borough of Northampton).	10,538	1,209	20	485	5,823	4,646	3,113	26,438
Northumberland (excluding the county of the city of Newcastle-on-Tyne).	13,704	1,097	30	405	3,429	4,440	1,964	25,692
Nottingham (excluding the county of the town of Nottingham).	10,734	941	8	256	4,574	3,390	2,141	22,667
Oxford.....	10,203	1,469	64	869	6,289	6,115	3,239	28,818
Rutland.....	1,058	137	4	41	728	782	324	3,133
Salop.....	12,428	1,339	44	860	8,094	6,965	4,579	34,920
Somerset (excluding the municipal borough of Bath	15,606	1,558	66	1,299	12,565	10,422	5,728	45,475

Financial Statement.

14,141	2,000	49	810	855	9,658	6,907	6,119	39,539
19,526	3,750	74	788	670	11,908	15,454	3,921	56,091
21,847	5,551	84	1,007	1,785	11,611	13,224	7,276	62,385
14,568	1,910	48	709	1,146	7,228	7,373	3,712	36,694
3,452	508	4	236	116	2,228	1,600	1,417	9,561
10,592	1,570	58	609	955	8,177	6,111	4,046	32,118
21,856	1,881	50	1,194	1,397	6,177	6,167	3,521	42,243
5,943	479	2	417	257	3,465	2,546	2,457	15,566
13,076	1,664	28	699	615	6,109	5,482	4,849	32,522
51,948	4,166	132	3,031	4,008	17,584	18,367	7,804	107,040
1,730	79	—	145	33	1,082	597	289	3,955
4,300	304	8	152	136	882	1,023	902	7,707
1,966	126	16	129	69	1,150	737	650	4,843
5,539	508	24	212	227	1,569	1,394	969	10,442
5,637	433	56	317	779	2,110	1,551	611	11,494
5,497	331	8	310	110	2,356	2,184	1,063	11,859
4,327	227	22	242	93	1,708	1,321	536	8,476
20,347	1,208	10	985	1,120	2,946	4,542	1,129	32,287
1,688	58	6	126	42	967	708	553	4,148
2,719	234	20	180	55	1,223	1,113	882	6,426
3,832	355	14	217	84	1,524	1,405	971	8,402
415	53	4	25	12	394	449	468	1,820
797,688	92,686	2,582	41,967	50,450	353,266	347,136	174,504	1,860,279
WALES.								
Anglesey	.....						
Brecon	.....						
Cardigan	.....						
Carmarthen	.....						
Carmarvon	.....						
Denbigh	.....						
Flint	.....						
Glamorgan (excluding the municipal boroughs of Cardiff and Swansea)	.....						
Merioneth	.....						
Montgomery	.....						
Pembroke	.....						
Radnor	.....						
Total	.....						

No. 4.—STATEMENT of the Amounts estimated to have been received in each Geographical County in England and Wales, excluding the Metropolis, and in the Metropolis, in respect of the under-mentioned Parliamentary Grants during the Financial Year 1887—1888.

COUNTRIES.	GRANTS IN RESPECT OF													Total.	
	Union, County, and Borough Lunatics.	Disturbed and Maimed Roads.	Poor Law Medical Officers.	Salaries of Teachers in Poor Law Schools.	Registers of Births and Deaths.	Payments to Public Vaccinators under Sec. 6 of the Vaccination Act, 1867.	Salaries of Medical Officers of Health and Inspectors of Nuisances.		Criminal Prosecutions.		Police.		Metropolitan Police.		Elementary Schools under 38 & 84 Vict c. 75, s. 97.
							Rural.	Urban.	Counties and Liberties.	Boroughs.	Counties and Liberties.	Boroughs.			
ENGLAND.							£	£	£	£	£	£	£	£	
Bedford	3,326	6	1,094	226	98	101	557	215	537	45	3,876	2,145	—	—	14,575
Berks	5,210	3,493	1,897	549	151	182	644	314	606	332	5,944	3,408	—	—	22,345
Buckingham	3,974	3,433	1,792	159	120	131	710	150	832	26	5,830	390	—	—	17,286
Cambridge	4,086	3,363	1,624	172	137	137	464	272	601	112	4,869	2,451	—	—	18,063
Cheshire	10,004	1,363	2,363	693	304	412	1,357	750	2,829	928	14,997	11,898	—	—	57,789
Corwall	6,026	3,267	1,363	443	241	212	659	282	698	17	7,377	823	—	—	21,408
Cumberland	3,883	2,068	1,503	944	182	182	631	653	1,435	180	8,241	1,637	—	—	21,172
Derby	6,117	4,069	1,503	456	357	328	1,232	480	1,015	314	11,668	5,363	—	—	39,950
Devon	11,317	6,713	4,167	786	386	332	947	723	1,572	885	13,835	8,753	—	—	61,574
Dorset	4,376	3,943	1,975	900	166	130	1,226	446	1,114	—	5,357	1,870	—	—	19,770
Durham	11,285	4,533	1,981	659	106	619	1,257	1,814	2,740	307	12,038	1,354	—	—	59,566
Essex	11,570	10,108	3,178	793	278	482	1,250	1,470	2,740	307	12,038	1,354	—	—	71,438
Gloucester	11,179	10,108	3,178	716	269	282	1,324	1,185	2,467	1,407	11,947	14,125	—	—	57,947
Hertford	3,679	3,790	1,348	119	110	84	1,584	1,185	2,467	283	2,627	1,402	—	—	14,377
Huntingdon	1,333	2,835	1,730	207	119	144	972	460	1,930	—	9,265	968	—	—	6,351
Huntington	1,333	1,395	476	146	48	47	229	77	930	—	9,265	968	—	—	3,065
Kent (excluding Metropolis)	15,109	13,342	4,652	1,155	250	518	1,732	1,270	3,108	1,286	12,838	11,060	—	—	76,065
Lancaster	6,852	13,268	3,274	3,662	739	2,147	1,849	3,602	14,373	14,090	48,938	129,500	—	—	316,381
Leicester	1,103	3,074	1,481	180	115	152	663	244	798	895	6,534	5,157	—	—	26,550
Leicester (Parts of Holland)	1,103	1,249	611	139	61	154	154	130	437	218	3,000	932	—	—	10,291
Lincoln (Parts of Kesteven)	3,980	2,690	611	93	62	83	527	138	163	318	3,000	932	—	—	68,980
Lincoln (Parts of Lindsey)	1,816	3,875	1,454	319	128	188	1,000	234	1,376	121	7,148	3,420	—	—	19,288
London (Metropolitan)	7,313	10,364	1,962	479	358	442	2,058	1,854	1,854	1,087	5,002	2,219	—	—	27,453
Middlesex, (excl. Metropolis)	9,155	4,511	3,864	680	280	326	1,172	268	1,116	1,116	6,137	8,237	—	—	37,433
Northampton	4,874	5,249	1,761	169	139	174	732	263	1,116	1,008	7,735	18,737	—	—	88,444
Northumberland	7,789	4,266	1,421	420	142	319	847	772	2,467	1,407	1,008	7,735	—	—	33,401
Nottingham	4,485	3,407	1,752	366	102	134	761	125	901	1,80	4,274	3,708	—	—	20,970

No. 5.—STATEMENT of the Amounts estimated to have been received in each Municipal Borough in England and Wales, with a Population over 50,000 at the last Census, and in the Counties of Cities mentioned at page 261, in respect of the under-mentioned Parliamentary Grants during the Financial Year 1887—1888.

MUNICIPAL BOROUGH, &c.	GRANTS IN RESPECT OF										TOTAL.
	Union, County, and Borough Lunatics.	Disturbed and Main Roads.	Poor Law Medical Officers.	Salaries of Teachers in Poor Law Schools.	Registrars of Births and Deaths.	Payments to Public Vaccinators under Section 6 of the Vaccination Act, 1867.	Salaries of Medical Officers of Health and Inspectors of Nuisances.	Criminal Prosecutions.	Police.	Elementary Schools under 33 & 34 Vict. c. 76, s. 97.	
ENGLAND.	£	£	£	£	£	£	£	£	£	£	£
<i>Chester.</i>											
Birkenhead	1,344	16	344	166	11	48	—	615	4,817	—	7,361
Chester (county of city)	787	467	84	111	6	18	172	188	1,767	—	3,600
<i>Chester and Lancaster.</i>											
Stockport	854	1,554	73	37	13	25	—	182	2,562	—	5,300
<i>Derby.</i>											
Derby	1,708	104	344	155	6	48	—	314	3,864	—	6,543
<i>Devon.</i>											
Exeter (county of city)	1,047	240	175	—	9	21	—	184	2,375	—	4,051
Plymouth	1,132	104	349	140	9	50	—	425	3,725	—	5,934
<i>Durham.</i>											
Gateshead	1,071	263	158	102	11	60	175	222	3,083	644	5,789
South Shields	733	18	133	28	6	40	190	231	2,433	—	3,801
Sunderland	2,055	—	323	74	17	81	380	428	5,078	—	8,436
<i>West Ham. Essex.</i>											
West Ham	1,978	1,305	425	168	10	103	—	746	11,108	—	15,933

No. 5.—STATEMENT of the Amounts estimated to have been received in each Municipal Borough in England and Wales, with a Population over 50,000 at the last Census, and in the Counties of Cities mentioned at page 261, in respect of the under-mentioned Parliamentary Grants during the Financial Year, 1887—1888—*continued*.

MUNICIPAL BOROUGH, &c.	GRANTS IN RESPECT OF										TOTAL.
	Union, County, and Borough Lunatics.	Disturbed and Main Roads.	Poor Law Medical Officers.	Salaries of Teachers in Poor Law Schools.	Registers of Births and Deaths.	Payments to Public Vaccinators under Section 5 of the Vaccination Act, 1867.	Salaries of Medical Officers of Health and Inspectors of Nuisances.	Criminal Prosecutions.	Police.	Elementary Schools under 33 & 34 Vict. c. 76, s. 97.	
ENGLAND— <i>continued</i> .											
<i>Stafford.</i>											
Walsall	£ 984	—	£ 128	—	£ 12	£ 36	—	£ 277	£ 2,285	£ 8,794	
West Bromwich	710	455	164	—	9	32	110	147	1,072	2,689	
Wolverhampton	1,280	100	455	161	12	55	—	382	3,154	5,579	
<i>Suffolk.</i>											
Ipswich	1,146	62	315	271	14	34	—	264	2,007	4,113	
<i>Surrey.</i>											
Croydon	1,106	673	509	—	5	34	150	343	9,300	12,120	
<i>Sussex.</i>											
Brighton	2,294	—	511	382	16	39	—	460	6,406	10,108	
<i>Warwick.</i>											
Birmingham	10,597	—	2,222	617	36	266	525	2,504	22,830	39,597	
<i>Worcester.</i>											
Worcester (county of city)	840	100	241	56	8	18	—	336	1,740	3,889	
<i>York, East Riding.</i>											
Kingston-upon-Hull (county of town)	2,355	291	368	201	24	105	—	1,436	11,001	15,781	
York (county of city)	471	42	209	34	18	23	—	268	2,847	3,912	
<i>York, North Riding.</i>											
Marketborough	654	—	280	36	7	43	—	136	2,856	4,011	

No. 6.—STATEMENT of the Amounts estimated to have been received in each Geographical County in England and Wales, excluding the Metropolitan and the Municipal Boroughs and Counties of Cities included in Statements 2 and 5, in respect of the under-mentioned Parliamentary Grants during the Financial Year 1887—1888.

COUNTIES.	GRANTS IN RESPECT OF													TOTAL.	
	Union, County, and Borough Inhabitants.	Disurbanised and Main Roads.	Poor Law Medical Officers.	Salaries of Teachers in Poor Law Schools.	Registers of Births and Deaths.	Payments to Public Vaccinators under Section 3 of the Vaccination Act, 1867.	Medical Officers of Health and Inspectors of Nuisances.		Criminal Prosecutions.		Police.		Metropolitan Police.		Elementary Schools under 33 & 34 Vict. c. 73, s. 97.
							Rural.	Urban.	Counties and Liberties.	Boroughs.	Counties and Liberties.	Boroughs.			
ENGLAND.															
Bedford	9,325	9,252	1,194	296	80	101	557	215	45	537	3,876	2,145	—	41	14,575
Berks	9,240	9,025	1,987	543	121	163	614	314	332	606	5,944	3,408	—	—	22,945
Bucks	3,974	3,732	1,732	150	130	141	710	190	26	332	5,530	380	—	—	17,286
Cambridge	4,086	3,851	1,424	172	119	137	464	272	112	601	4,859	2,451	—	—	18,083
Chester (excluding the municipal boroughs of Birkenhead and part of Stockport, and the county of the city of Chester).	7,273	9,251	1,750	587	178	330	1,357	573	—	2,823	14,997	3,500	—	—	42,665
Cornwall	6,026	2,947	1,363	443	941	212	639	292	17	698	7,377	823	—	310	21,408
Cumberland	3,853	2,205	903	244	124	187	631	480	130	1,435	8,241	1,637	—	16	20,173
Derby (excluding the municipal borough of Derby).	4,403	6,855	1,163	303	151	310	1,232	490	—	1,015	11,658	1,499	—	326	29,407
Devon (excluding the municipal borough of Plymouth and the county of the city of Exeter).	9,135	6,369	3,663	620	368	361	947	725	276	1,572	13,835	2,663	—	72	40,589
Dorset	4,376	3,943	2,152	200	156	130	726	146	—	1,114	5,257	1,570	—	—	19,770
Durham (excluding the municipal boroughs of Gateshead, South Shields, and Sunderland).	7,425	4,252	1,357	455	108	468	1,337	1,069	—	2,743	20,371	1,534	—	490	41,680
Essex (excluding the municipal borough of West Ham).	9,592	8,743	4,153	625	268	379	1,769	490	161	2,740	12,038	1,554	—	151	55,505
Gloucester (excluding the counties and the cities of Gloucester and part of Bristol).	7,117	10,027	2,414	344	208	218	1,320	575	29	2,207	11,547	—	—	552	36,568
Hertford	3,677	3,730	1,346	119	110	84	584	185	293	660	2,727	1,402	—	—	14,977
Heworth	2,993	2,635	1,730	207	119	144	973	409	293	1,290	5,648	868	—	39	21,361
Hertford	1,333	1,395	476	146	48	47	223	77	—	230	2,260	120	—	—	6,361
Huntingdon	14,533	13,260	4,566	1,148	272	507	1,732	1,170	1,227	3,106	12,328	10,163	—	20	74,344
Kent (excl. Metropolitan and the county of the city of Chertmury).	27,547	16,597	5,403	934	435	1,206	1,843	2,798	560	14,373	56,938	12,271	—	—	143,311
Leicester (excl. the counties of Leicestershire, Northampton, Rutley, Bury, Liverpool, Manchester, Oldham, Preston, Rochdale, Salford, St. Helen's, and part of Stockport).	8,597	2,919	1,202	37	106	144	663	244	798	—	6,534	—	—	—	16,244
Leicester (excluding the municipal borough of Holloway).	1,103	1,049	611	139	61	51	154	120	437	—	2,245	625	—	—	6,595
Lincoln (Parts of Kenton, Great Ouse, and the county of Lincoln).	1,516	2,650	1,886	254	63	109	1,060	236	216	1,376	3,040	1,312	—	—	10,714
London (Parts of Kenton, Great Ouse, and the county of Lincoln).	8,510	3,709	1,866	254	122	109	1,060	236	216	1,376	3,040	1,312	—	—	20,714
London (Parts of Kenton, Great Ouse, and the county of Lincoln).	8,510	3,709	1,866	254	122	109	1,060	236	216	1,376	3,040	1,312	—	—	69,802

No. 7.—STATEMENT showing the Proportion of the Probate Duty Grant (1,800,000*l.*) which it is estimated will be received in each existing Geographical County of England and Wales, excluding the Metropolis, and in the Metropolis, if such Grant is apportioned on the basis of the Mean Number of Indoor Paupers (as defined by Clause 21 (4) of the Local Government Bill) on the 1st July, 1887, and 1st January, 1888.

COUNTIES.	Amount apportioned to each County.	COUNTIES.	Amount apportioned to each County.
ENGLAND (excluding the Metropolis).	£	ENGLAND— <i>cont.</i>	£
Bedford	7,696	Suffolk	21,474
Berks	16,308	Surrey (excluding Me- tropolis).	35,232
Buckingham	9,622	Sussex	36,045
Cambridge	11,851	Warwick	55,535
Chester	34,675	Westmoreland	2,993
Cornwall	12,550	Wilts	17,564
Cumberland	11,294	Worcester	21,833
Derby	19,953	York, East Riding	19,670
Devon	31,153	„ North Riding	18,423
Dorset	9,944	„ West Riding	82,117
Durham	37,876		
Essex	41,030	Total for England (ex- cluding Metropolis) ..	1,212,383
Gloucester	40,370		
Hereford	7,536	WALES.	£
Hertford	13,164	Anglesey	1,464
Huntingdon	4,202	Brecon	2,304
Kent (excluding Metropolis)	57,745	Cardigan	1,539
Lancaster	221,904	Carmarthen	2,465
Leicester	15,827	Carnarvon	3,211
Lincoln: Parts of Holland ..	4,750	Denbigh	4,948
„ Parts of Kesteven ..	5,231	Flint	3,381
„ Parts of Lindsey ..	11,143	Glamorgan	22,758
Middlesex (excluding Me- tropolis).	22,446	Merioneth	1,860
Monmouth	12,238	Montgomery	3,144
Norfolk	30,558	Pembroke	2,956
Northampton	13,683	Radnor	1,133
Northumberland	19,481		
Nottingham	18,244	Total for Wales	51,163
Oxford	11,861	The Metropolis	536,454
Rutland	1,313		
Salop	16,082	Total for England and Wales	1,800,000
Somerset	28,197		
Southampton	42,664		
Stafford	58,906		

No. 8.—STATEMENT showing the Proportion of the Probate Duty Grant (1,800,000*l.*) which it is estimated will be received in each Municipal Borough in England and Wales, with a Population over 50,000 at the last census and in the Counties of Cities mentioned on page 261, on the basis of the Mean Number of Indoor Paupers (as defined by Clause 21 (4) of the Local Government Bill) on the 1st July, 1887, and 1st January, 1888.

MUNICIPAL BOROUGHES, &c.	Amount apportioned to each Municipal Borough.	MUNICIPAL BOROUGHES, &c.	Amount apportioned to each Municipal Borough.
ENGLAND.		ENGLAND—continued.	
<i>Chester.</i>	£	<i>Northumberland.</i>	£
Birkenhead	5,260	Newcastle on Tyne (county of city).	7,432
Chester (county of city)	3,843	<i>Nottingham.</i>	
<i>Chester and Lancaster.</i>		Nottingham (county of town)	10,189
Stockport	2,097	<i>Somerset.</i>	
<i>Derby.</i>		Bath	4,061
Derby	4,825	<i>Southampton.</i>	
<i>Devon.</i>		Portsmouth	12,531
Exeter (county of city)	3,362	Southampton (county of town)	5,033
Plymouth	5,345	<i>Stafford.</i>	
<i>Durham.</i>		Walsall	2,842
Gateshead	3,031	West Bromwich	3,824
South Shields	3,437	Wolverhampton	6,714
Sunderland	5,638	<i>Suffolk.</i>	
<i>Essex.</i>		Ipswich	3,588
West Ham	7,337	<i>Surrey..</i>	
<i>Gloucester.</i>		Croydon	5,052
Gloucester (county of city) ..	1,313	<i>Sussex.</i>	
<i>Gloucester and Somerset.</i>		Brighton	11,634
Bristol (county of city)	18,489	<i>Warwick.</i>	
<i>Kent.</i>		Birmingham	34,515
Canterbury (county of city) ..	2,134	<i>Worcester.</i>	
<i>Lancaster.</i>		Worcester (county of city) ..	2,144
Blackburn	4,608	<i>York, East Riding.</i>	
Bolton	3,872	Kingston-upon-Hull (county of town).	9,047
Barnley	1,313	York (county of city)	4,079
Bury	1,945	<i>York, North Riding.</i>	
Liverpool	53,146	Middlesbrough	3,437
Manchester	41,125	<i>York, West Riding.</i>	
Oldham	7,724	Bradford	6,081
Preston	4,079	Halifax	2,002
Rochdale	2,342	Huddersfield	3,022
Salford	15,241	Leeds	13,919
St. Helens	2,569	Sheffield	17,555
<i>Leicester.</i>		WALES.	
Leicester	7,819	<i>Glamorgan.</i>	
<i>Lincoln (parts of Lindsey).</i>		Cardiff	6,893
Lincoln (county of city)	1,237	Swansea	3,579
<i>Norfolk.</i>		Total	400,066
Norwich (county of city)	5,590		
<i>Northampton.</i>			
Northampton	2,172		

No. 9.—STATEMENT showing the Proportion of the Probate Duty Grant (1,800,000*l.*) which it is estimated will be received in each Geographical County of England and Wales, excluding the Metropolis, and the Municipal Boroughs and Counties of Cities included in Statements Nos. 2, 5, and 8 on the basis of the Mean Number of Indoor Paupers (as defined by Clause 21 (4) of the Local Government Bill) on the 1st July, 1887, and 1st January, 1888.

COUNTIES.	Amount apportioned to each County.
ENGLAND.	
	£
Bedford	7,696
Berks	16,308
Buckingham	9,622
Cambridge	11,851
Chester (excluding the municipal boroughs of Birkenhead and part of Stockport, and the county of the city of Chester).	24,089
Cornwall	12,550
Cumberland	11,294
Derby (excluding the municipal borough of Derby)	15,128
Devon (excluding the municipal borough of Plymouth, and the county of the city of Exeter).	22,446
Dorset	9,944
Durham (excluding the municipal boroughs of Gateshead, South Shields, and Sunderland).	25,770
Essex (excluding the municipal borough of West Ham)	33,693
Gloucester (excluding the counties of the cities of Gloucester and part of Bristol).	21,814
Hereford	7,536
Hertford	13,164
Huntingdon	4,202
Kent (excluding the Metropolis and county of the city of Canterbury)	55,611
Lancaster (excluding the municipal boroughs of Blackburn, Bolton, Burnley, Bury, Liverpool, Manchester, Oldham, Preston, Rochdale, Salford, St. Helen's, and part of Stockport).	83,326
Leicester (excluding the municipal borough of Leicester)	8,008
Lincoln: Parts of Holland	4,750
" Parts of Kesteven	5,231
" Parts of Lindsey (excluding the county of the city of Lincoln).	9,906
Middlesex (excluding Metropolis)	22,446
Monmouth	12,238
Norfolk (excluding the county of the city of Norwich)	24,968
Northampton (excluding the municipal borough of Northampton) ..	11,511
Northumberland (excluding the county of the city of Newcastle-on-Tyne).	12,049
Nottingham (excluding the county of the town of Nottingham)	8,055
Oxford	11,861
Rutland	1,313
Salop	16,082
Somerset (excluding the municipal borough of Bath, and part of the county of the city of Bristol).	22,890
Southampton (excluding the municipal borough of Portsmouth and the county of the town of Southampton).	25,100

COUNTIES.	Amount apportioned to each County.
<i>ENGLAND—cont.</i>	
	£
Stafford (excluding the municipal boroughs of Walsall, West Bromwich, and Wolverhampton).	45,526
Suffolk (excluding the municipal borough of Ipswich)	17,886
Surrey (excluding Metropolis and the municipal borough of Croydon)	30,180
Sussex (excluding the municipal borough of Brighton)	24,411
Warwick (excluding the municipal borough of Birmingham)	21,020
Westmoreland	2,993
Wilts	17,564
Worcester (excluding the county of the city of Worcester)	19,689
York, East Riding (excluding the county of the town of Kingston-upon-Hull and the county of the city of York).	6,544
„ North Riding (excluding the municipal borough of Middlesbrough).	14,986
„ West Riding (excluding the municipal boroughs of Bradford, Halifax, Huddersfield, Leeds, and Sheffield).	39,538
 <i>WALES.</i> 	
Anglesea	1,464
Brecon	2,304
Cardigan	1,539
Carmarthen	2,465
Carnarvon	3,211
Denbigh	4,948
Flint	3,381
Glamorgan (excluding the municipal boroughs of Cardiff and Swansea).	12,286
Merioneth	1,860
Montgomery	3,144
Pembroke	2,956
Radnor	1,133
Total	863,480

No. 10.—STATEMENT showing the Estimated Annual Expenditure for Main and Disturnpiked Roads in each Geographical County in England and North Wales, excluding the Metropolis, and also showing the Estimated Annual Expenditure on the Turnpike Roads in the six Counties of South Wales.

COUNTIES.	Estimated Annual Expenditure for Main and Disturnpiked Roads.	COUNTIES.	Estimated Annual Expenditure for Main and Disturnpiked Roads.
ENGLAND.		ENGLAND—cont.	
	£		£
Bedford	8,884	Rutland	2,654
Berks	11,711	Salop	17,126
Buckingham	13,622	Somerset	36,652
Cambridge	12,992	Southampton	12,872
Chester	44,072	Stafford	39,124
Cornwall	11,774	Suffolk	4,090
Cumberland	8,640	Surrey (excluding Metro- polis)	32,910
Derby	27,462	Sussex	30,084
Devon	24,414	Warwick	17,418
Dorset	15,428	Westmoreland	4,464
Durham	18,134	Wilts	28,270
Essex	40,192	Worcester	22,395
Gloucester	39,820	York, East Riding	5,904
Hereford	15,162	" North Riding	8,498
Hertford	11,340	" West Riding	77,563
Huntingdon	5,578		
Kent (excluding Metropolis)	51,249		
Lancaster	73,596		
Leicester	12,386		
Lincoln: Parts of Holland ..	4,194		
" Parts of Kesteven ..	10,317		
" Parts of Lindsey ..	15,174		
Middlesex (excluding Metro- polis)	43,700		
Monmouth	8,832		
Norfolk	17,010		
Northampton	20,893		
Northumberland	16,392		
Nottingham	14,154		
Oxford	15,407		
		Total	952,553
		NORTH WALES.	
		Anglesea	112
		Carnarvon	4,476
		Denbigh	8,672
		Flint	6,218
		Merioneth	2,288
		Montgomery	6,904
		Total	28,670

COUNTIES.	Estimated Annual Expenditure on the Turnpike Roads
SOUTH WALES.	
	£
Brecon	2,330
Cardigan	2,085
Cardiff	5,490
Glamorgan	9,242
Pembroke	1,339
Radnor	1,688
Total	22,174

* There are no main roads or roads disturnpiked since 1870 in South Wales. Under the 7 & 8 Vict. c. 91, the county roads board of each county have the management of the turnpike roads therein.

No. 11.—STATEMENT showing the Estimated Annual Expenditure for Main and Disturnpiked Roads in the Metropolis, and in each Municipal Borough in England and Wales with a population over 50,000 at the last census, and in the Counties of Cities mentioned on page 261.

METROPOLIS.

COUNTY.	PARISH OR DISTRICT.	Estimated Annual Expenditure for Roads Disturnpiked since 1870.
		£
Middlesex	Hackney District	1,044
„	Limehouse District	974
„	Mile End, Old Town, Hamlet	516
„	Poplar District	1,990
„	St. George in the East, Parish	398
„	St. John's Hampstead, Parish	1,876
„	St. Mary Abbott's Kensington, Parish ..	80
„	St. Mary Islington, Parish	240
	Total	7,118

N.B.—There are no roads disturnpiked since 1870 in the other Parishes and Districts in the Metropolis.

BOROUGHES, &c.

COUNTY.	MUNICIPAL BOROUGHS.	Estimated Annual Expenditure for Main and Disturnpiked Roads.
		£
ENGLAND.		
Chester	Birkenhead	66
„	Chester (county of city)	934
Chester and Lancaster	Stockport	6,214
Derby	Derby	414
Devon	Exeter (county of city)	480
„	Plymouth	416
Durham	Gateshead	1,052
„	South Shields	72
„	Sunderland	—
Essex	West Ham	5,218
Gloucester	Gloucester (county of city)	162
Gloucester and Somerset	Bristol (county of city)	—
Kent	Canterbury (county of city)	164
Lancaster	Blackburn	456
„	Bolton	182
„	Bury	3,328
„	Burnley	244
„	Liverpool	—
„	Manchester	284
„	Oldham	—
„	Preston	—
„	Rochdale	1,696
„	Salford	1,530
„	St. Helens	296

COUNTY.	MUNICIPAL BOROUGHS.	Estimated Annual Expenditure for Main and Disturnpiked Roads.
<i>ENGLAND—continued.</i>		
Leicester	Leicester	£ 710
Lincoln (parts of Lindsey) ..	Lincoln (county of city)	338
Norfolk	Norwich (county of city)	532
Northampton	Northampton	—
Northumberland	Newcastle-on-Tyne (county of city) ..	—
Notts	Nottingham (county of town)	762
Somerset	Bath	—
Southampton	Portsmouth	—
Stafford	Southampton (county of town)	238
”	Walsall	—
”	West Bromwich	1,822
”	Wolverhampton	400
Suffolk	Ipswich	246
Surrey	Croydon	2,690
Sussex	Brighton	—
Warwick	Birmingham	—
Worcester	Worcester (county of city)	200
York, East Riding	Kingston-upon-Hull (county of town) ..	1,164
”	York (county of city)	170
” North Riding	Middlesbrough	—
” West Riding	Bradford	1,308
”	Halifax	—
”	Huddersfield	2,224
”	Leeds	—
”	Sheffield	2,856
SOUTH WALES.		
Glamorgan	Cardiff	£ —
”	Swansea	784†
		Estimated Annual Expenditure on the Turnpike Roads.*

* There are no main roads or roads disturnpiked since 1870 in South Wales. Under the 7 & 8 Vict. c. 91, the county roads board of each county have the management of the turnpike roads therein.

† It has been ascertained from the clerk to the Glamorgan County Roads Board that this sum may be regarded as having been expended upon the turnpike roads in the borough of Swansea during the year, and as a reasonable estimate of the annual cost of maintaining these roads.

No. 12.—STATEMENT showing the Estimated Annual Expenditure for Main and Disturnpiked Roads in the several Counties of England and North Wales, and the Estimated Annual Expenditure on the Turnpike Roads in the six Counties of South Wales, excluding the Metropolis, and the Municipal Boroughs and Counties of Cities included in Statements Nos. 2, 5, 8, and 11.

COUNTIES.	Estimated Annual Expenditure for Main and Disturnpiked Roads.
ENGLAND.	
	£
Bedford	8,884
Berks	11,711
Buckingham	13,622
Cambridge	12,992
Chester (excluding the municipal boroughs of Birkenhead and part of Stockport, and the county of the city of Chester)	36,978
Cornwall	11,774
Cumberland	8,640
Derby (excluding the municipal borough of Derby)	27,048
Devon (excluding the municipal borough of Plymouth and the county of the city of Exeter)	23,518
Dorset	15,428
Durham (excluding the municipal boroughs of Gateshead, South Shields, and Sunderland)	17,010
Essex (excluding the municipal borough of West Ham)	34,974
Gloucester (excluding the counties of the cities of Bristol and Gloucester)	39,658
Hereford	15,162
Hertford	11,340
Huntingdon	5,578
Kent (excluding Metropolis and the county of the city of Canterbury)	51,085
Lancaster (excluding the municipal boroughs of Blackburn, Bolton, Burnley, Bury, Liverpool, Manchester, Oldham, Preston, Rochdale, Salford, St. Helen's, and part of Stockport)	65,460
Leicester (excluding the municipal borough of Leicester)	11,676
Lincoln: Parts of Holland	4,194
" Parts of Kesteven	10,317
" Parts of Lindsey (excluding the county of the city of Lincoln)	14,836
Middlesex (excluding Metropolis)	43,700
Monmouth	8,832
Norfolk (excluding the county of the city of Norwich)	16,478
Northampton (excluding the municipal borough of Northampton) ..	20,893
Northumberland (excluding the county of the city of Newcastle-on-Tyne)	16,392
Nottingham (excluding the county of the town of Nottingham)	13,392
Oxford	15,407
Rutland	2,654
Salop	17,126
Somerset (excluding the municipal borough of Bath and part of the county of the city of Bristol)	36,652
Southampton (excluding the municipal borough of Portsmouth, and the county of the town of Southampton)	12,634

COUNTIES.	Estimated Annual Expenditure for Main and Disturn- piked Roads.
<i>ENGLAND—continued.</i>	
Stafford (excluding the municipal boroughs of Walsall, West Bromwich, and Wolverhampton).	£ 36,902
Suffolk (excluding the municipal borough of Ipswich)	3,844
Surrey (excluding Metropolis and municipal borough of Croydon) ..	30,220
Sussex (excluding the municipal borough of Brighton)	30,084
Warwick (excluding the municipal borough of Birmingham)	17,418
Westmoreland	4,464
Wiltshire	28,270
Worcester (excluding the county of the city of Worcester)	22,195
York, East Riding (excluding the county of the town of Kingston-upon-Hull, and the county of the city of York).	4,570
York, North Riding (excluding the municipal borough of Middlesbrough).	8,498
York, West Riding (excluding the municipal boroughs of Bradford, Halifax, Huddersfield, Leeds, and Sheffield).	71,175
 NORTH WALES. 	
Anglesea	112
Carnarvon	4,476
Denbigh	8,672
Flint	6,218
Merioneth	2,288
Montgomery	6,904
 SOUTH WALES. 	
Brecon	£ 2,330
Cardigan	2,085
Carmarthen	5,490
Glamorgan (excluding the municipal boroughs of Cardiff and Swansea).	8,458 }*
Pembroke	1,339
Radnor	1,688 }
 Estimated Annual Expenditure on the Turnpike Roads.	

* There are no main roads or roads disturnpiked since 1870 in South Wales. Under the 7 & 8 Vict. c. 91, the county roads board of each county have the management of the turnpike roads therein.

AT THE COURT AT WINDSOR,
The 29th day of June, 1888.

O. C.
June 29,
1888.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL.

WHEREAS it is provided by section thirteen of the County Electors Act, 1888, that all precepts, notices, and forms required for the purposes of the Registration of Electors Acts (as defined in the said Act) shall be altered in such manner as may be declared by her Majesty in Council to be necessary for carrying into effect the said County Electors Act, 1888 :

And whereas it is necessary for that purpose that certain of the forms contained in the Second and Third Schedules of the Registration Act, 1885 (being one of the said Registration of Electors Acts), should be altered in the manner hereinafter declared :

Now, therefore, her Majesty, by and with the advice of her Privy Council, and by virtue of the authority committed to her by the said County Electors Act, 1888, doth declare it, and it is hereby declared, to be necessary for carrying into effect the County Electors Act, 1888, that the forms in the schedules to the Registration Act, 1885, should, as respects parishes not within a municipal borough in which the lists of voters were before the passing of the County Electors Act, 1888, made out under the Parliamentary and Municipal Registration Act, 1878, be altered as follows :

- (1.) Part II. of the General Forms contained in the Second Schedule to the Registration Act, 1885, shall be altered by the omission therefrom of the Forms C. No. 1, E., H., I., K., L., and M., and the insertion therein of the forms contained in the First Schedule to this Order ;

O. C.
June 29,
1888.

- (2.) The General Forms contained in the Third Schedule to the Registration Act, 1885, shall be altered by the omission therefrom of the Forms B. No. 2, C. No. 1, D., G., H., I., K., L., and M., and the insertion therein of the forms contained in the Second Schedule to this Order.

And it is hereby ordered that all such forms shall be altered accordingly.

C. L. PEEL.

FIRST SCHEDULE.

Alteration of Forms in Second Schedule to Registration Act, 1885.

NOTE.—Where a parish is in a municipal borough in which the lists of parliamentary voters have not heretofore been made out under the Parliamentary and Municipal Registration Act, 1878, the following forms shall be used, with the substitution wherever necessary of “burgess” for “county elector,” of “municipal borough” for “county,” of “enrolled” for “registered,” and of “burgess roll” for “county register.”

FORM B.

NO. 2.—NOTICE AS TO RATES TO BE PUBLISHED BY THE OVERSEERS.

(County Government.)

<p>Where a county rate is levied separately and not as part of the poor rate, the form must be altered accordingly, so as to state that omission to pay the county</p>	<p>County of _____, } to wit. } We hereby give notice that no person</p>	<p>} will be entitled to have his name inserted in any list of county electors for the said county now about to be made in respect of the occupation of any premises situate wholly or partly within this parish [<i>or township</i>], unless all sums which have become due in respect of those premises on account of any poor rate made and allowed</p>
--	--	--

Schedule I.

during the twelve calendar months next preceding the fifth day of January last have been duly paid on or before the twentieth day of July next.

Dated the day of June, 18 .

(Signed) A. B. } Overseers of the parish [or
 C. D. } township] of

rate will dis-qualify from registration as a county elector in respect of the old bur-gess qualifica-tion as well as the non-pay-ment of the poor rate.

FORM C.

No. 1.—NOTICE AS TO RATES TO BE SERVED BY OVERSEERS.

To A. B. [division of the] county of
County of

Take notice that you will not be entitled to have your name inserted in the list of parliamentary voters for the said [division or county], or in the list of county electors for the said county now about to be made in respect of the premises in your occupation in unless on or before the twentieth day of July next all sums due in respect of those premises on account of any poor rate made and allowed during the twelve calendar months next preceding the fifth day of January last, amounting to £ are duly paid.

Dated the day of June, 18 .

(Signed) C. D. } Overseers of the parish [or
 E. F. } township] of

Where a county rate is levied sepa-rately and not as part of the poor rate, the form must be altered ac-cordingly, so as to state that omission to pay the county rate will dis-qualify from registration as a county elec-tor in respect of the old bur-gess qualifica-tion as well as the non-pay-ment of the poor rate.

FORM E.

FORM OF OCCUPIERS LIST.

LIST of

the persons entitled to be registered as parliamentary voters for the [division of the] county of in respect of the inhabitant occupation of a dwelling-house, or of the occupation of any land or tenement of a clear yearly value of ten pounds, or of any right reserved by section ten of the Representation of the People Act, 1884, when such dwelling-house, land, or tenement is situate wholly or partly within this parish [or township]; and the persons entitled to be registered as county electors

N.B.—This list does not contain the names of any parliamentary voters except those entitled in respect of a household or 107. occupa-tion qualifica-tion, or of 507. rental qualifi-cation re-

Schedule I.

served by
section 10 of
the Represent-
ation of the
People Act,
1884.

for the county of _____ in respect of the occupation of property
situate wholly or partly within this parish [or township].

*Division One. Persons entitled to be Registered in respect of the
occupation aforesaid both as Parliamentary Voters and as
County Electors.*

1. Names of Voters in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Qualifying Property.

*Division Two. Persons entitled to be Registered in respect of the
occupation aforesaid as Parliamentary Voters, but not as
County Electors.*

1. Names of Voters in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Qualifying Property.

*Division Three. Persons entitled to be Registered in respect of the
occupation aforesaid as County Electors, but not as Parlia-
mentary Voters.*

1. Names of Voters in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [or
C. D. } township] of

FORM G.

LIST OF PERSONS ENTITLED TO BE ELECTED COUNCILLORS.

List of the persons who are entitled to be elected councillors of the county of _____ in respect of the occupation within the parish [*or* township] of _____ of any property, but who are not entitled to be on the county register of that county.

1. Names of Persons in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [*or*
C. D. } township] of

FORM H.

FORM OF NOTICE OF CLAIM IN RESPECT OF THE OCCUPATION
FRANCHISE.

No. 1.—(PARLIAMENTARY AND COUNTY GOVERNMENT)
(GENERAL).

To the overseers of the parish [*or* township] of _____ .

I claim to have my name inserted among the parliamentary voters for [the _____ parliamentary division of] the county of _____ [and county electors for the county of _____] in

Schedule I.

respect of the qualification named below [and to have my name omitted from the corrupt and illegal practices list].

Dated day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B.

Note.—If the claim is to be registered both as a parliamentary voter and a county elector in respect of the same property this notice is sufficient, and No. 3 need not be served.

No. 2.—LODGERS.

To the overseers of the parish [*or* township] of .

I claim to have my name inserted in the list of parliamentary voters for the [division of the] county of in respect of the qualification named below.

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.
Stevens, John William.	Two rooms, first floor, furnished.	51, Brick Street	16s. a week	William John- son, 51, Brick Street.

I hereby declare that I have during the twelve calendar months immediately preceding the fifteenth day of July in this year occupied as sole tenant [*or* as joint tenant with], and resided in, the above-mentioned lodgings, and that those lodgings are of a clear yearly value, if let un-

furnished, of ten [*or twenty*] pounds or upwards†, and I hereby declare that I am on the register of parliamentary voters for the said division [*or county*] in respect of the same lodgings as above mentioned, and I desire to have my name inserted in the old lodgers list.†

Omit the words between crosses if they are not applicable.

Dated the day of 18 .

(Signed) A. B. (the Claimant).

I, the undersigned, hereby declare that I have witnessed the above signature of the above-named claimant at the date stated above, and that I believe the above claim to be correct.

Dated the day of 18 .

(Signed) C. D., of

[*state residence and calling of witness.*]

No. 3.—(COUNTY GOVERNMENT.)

To the overseers of the parish [*or township*] of .

I claim to have my name inserted in the list of county electors of the county of in respect of the qualification named below [*and I claim to have my name omitted from the corrupt and illegal practices list*].

Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B.

Appendix.

FORM I.

FORM OF NOTICE OF OBJECTION IN RESPECT OF THE
OCCUPATION FRANCHISE.

No. 1.—(PARLIAMENTARY AND COUNTY GOVERNMENT).

*Notice of Objection to be given to Overseers.*To the overseers of the parish [*or township*] of .

I hereby give you notice that I object to the name of
being retained on the list as a parliamentary voter for
[the parliamentary division of] the county of
[and as a county elector for the county of] [and to
the omission of the said name from the corrupt and illegal
practices list].

Dated the day of 18 .

(Signed) A. B. [*place of abode*] on the
list of parliamentary voters [and county
electors *or* burgesses] for the parish [*or*
township] of .

No. 2.—(PARLIAMENTARY AND COUNTY GOVERNMENT).

Notice of Objection to be given to Person objected to.

To

I hereby give you notice that I object to your name being
retained on the list as a parliamentary voter for [the
parliamentary division of] the county of [and as a
county elector for the county of] [and to the omission
of your name from the corrupt and illegal practices list] on
the following grounds, viz.:—

1. That [*e.g.*, that you have not occupied for twelve
months to July 15th].

2. That

3.

Dated the day of 18 .

(Signed) A. B., of [*place of abode*] on
the list of parliamentary voters [and
county electors *or* burgesses] for the
parish [*or township*] of .

Note.—The notice of objection in each of the above two

cases, Nos. 1 and 2, should, if there is more than one list, specify the list, and if the list referred to is made out in divisions, should specify the division to which the objection refers; and if the list contains two or more persons of the same name, should distinguish the person intended to be objected to.

If the notice refers to division one of the occupiers list, the reference to a county elector may be inserted, and in such case these notices are sufficient, and Nos. 3 and 4 need not be served.

No. 3.—(COUNTY GOVERNMENT).

Notice of Objection to be given to Overseers.

To the overseers of the parish [or township] of .

I hereby give you notice that I object to the name of
being retained on the list of county electors of the
county of [and to the omission of the said name from
the corrupt and illegal practices list].

Dated the day of 18 .

(Signed) A. B., of [place of abode] on
the list of county electors [or burgesses]
for the parish [or township] of .

No. 4.—(COUNTY GOVERNMENT).

Notice of Objection to be given to Person objected to.

To

I hereby give you notice that I object to your name being
retained on the list of county electors of the county of
on the following grounds, viz.:—

1. That [e.g., you have not occupied for twelve months [or
six months, as the case may be] to July 15th].

2. That

3.

Dated the day of 18 .

(Signed) A. B., of [place of abode] on
the list of county electors [or burgesses]
for the parish [or township] of .

Note.—The notice of objection in each of the above two

Schedule I.

cases, Nos. 3 and 4, should specify the division of the list to which the objection refers; and if the list contains two or more persons of the same name, should distinguish the person intended to be objected to.

FORM K.

FORM OF LIST OF CLAIMANTS IN RESPECT OF THE OCCUPATION FRANCHISE TO BE PUBLISHED BY THE OVERSEERS.

No. 1.—LIST OF CLAIMANTS (PARLIAMENTARY AND COUNTY GOVERNMENT).

List of claimants (parliamentary and county government).

The following persons claim to have their names inserted in division one of the occupiers list for the parish [*or* township] of _____ as parliamentary voters for [the _____ parliamentary division of] the county of _____, and county electors for the county of _____.

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers for the parish [*or*
C. D. } township] of

Note.—Form No. 1 applies to persons who claim to be entered in division one of the occupiers list, both as parliamentary voters and as county electors.

A copy of the claim must be entered in this form.

Any claim to be omitted from the corrupt and illegal practices list must be added to the foregoing list of claimants.

No. 2.—LIST OF OCCUPIER CLAIMANTS (PARLIAMENTARY).

The following persons claim to have their names inserted in the lists of parliamentary voters for the [division of the] county of in respect of the occupation of property in this parish [or township] other than lodgings.

List of occupier claimants (Parliamentary).

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [or
 C. D. } township] of .

Note.—Form No. 2 applies to claims by persons to be inserted in division two of the occupiers list.

A copy of the claim must be entered in this form.

Any claim to be omitted from the corrupt and illegal practices list must be added to the foregoing list of claimants.

No. 3.—LIST OF LODGER CLAIMANTS (PARLIAMENTARY).

The following persons claim as lodgers to have their names inserted in the lists of parliamentary voters for the [division of the] county of .

List of lodger claimants.

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) A. B. } Overseers of the parish [or
 C. D. } township] of .

Note.—A copy of the claim must be entered in this form.

Schedule I.

No. 4.—LIST OF CLAIMANTS (COUNTY GOVERNMENT).

List of claimants (county electors).

The following persons claim to have their names inserted in the county register for the county of

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [*or*
 C. D. } township] of

Note.—Any claim to be omitted from the corrupt and illegal practices list must be added to the above list.

This list need not include the names of persons who claim to be entered in division one of the occupiers list.

A copy of the claim must be entered in this form.

FORM (L.)

FORM OF LIST OF PERSONS OBJECTED TO TO BE PUBLISHED BY THE OVERSEERS.

No. 1.—LIST OF PERSONS OBJECTED TO (PARLIAMENTARY AND COUNTY GOVERNMENT).

List of persons objected to (Parliamentary and county government).

The following persons have been objected to as not being entitled to have their names retained on division one of the occupiers lists of parliamentary voters for [the parliamentary

division of] the county of _____ and of county electors for the county of _____

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [*or*.
C. D. } township] of _____

Note.—This Form applies only to persons objected to who appear in division one of the occupiers list.

In this Form the particulars should be copied from the list of voters.

Any objection to the omission of a person from the corrupt and illegal practices list should be added to the foregoing list.

No. 2.—LIST OF PERSONS ON OCCUPIERS LIST WHO HAVE BEEN OBJECTED TO (PARLIAMENTARY).

The following persons have been objected to as not being entitled to have their names retained on the lists of parliamentary voters for the [_____ division of the] county of _____, in respect of the occupation of property in the parish [*or* township] of _____ other than lodgings.

List of persons objected to (occupation, Parliamentary).

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [*or*.
C. D. } township] of _____

Note.—Form No. 2 applies to persons whose names appear in division two of the occupiers list.

In this form copy particulars from the list of voters.

Any objection to the omission of a person from the corrupt and illegal practices list shall be added to the foregoing list.

Schedule I.

No. 3.—LIST OF LODGERS OBJECTED TO.

List of persons objected to (lodgers).

The following persons have been objected to as not being entitled to have their names retained on the old lodgers list among the parliamentary voters for the [] division of the [] county of

Name of Person objected to in full, Surname being first.	Description of Rooms occupied and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) A. B. } Overseers of the parish [or
 C. D. } township] of

Note.—This form applies only to lodgers on the old lodgers list who are objected to.

The list of lodgers so objected to should form a separate list from that of other persons objected to.

In this form copy particulars from the old lodgers list.

No. 4.—LIST OF PERSONS OBJECTED TO (COUNTY GOVERNMENT).

List of persons objected to (county electors).

The following persons have been objected to as not being entitled to have their names retained on the lists of county electors for the county of .

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [or
 C. D. } township] of

Note.—This form applies to objections to persons whose names appear in the third division of the occupiers list.

In this form the particulars should be copied from the list of county electors.

Any objection to the omission of a person from the corrupt and illegal practices list shall be added to the foregoing list.

FORM (M.)

DECLARATION FOR CORRECTING MISDESCRIPTION IN LIST.

I, _____ of No. _____ in the parish of _____ in the county of _____ [and in the _____ parliamentary division of the county] do solemnly and sincerely declare as follows:—

1. I am the person referred to in division _____ of the list of parliamentary voters and county electors made out in divisions [or in the list of _____ (*specifying the particular list*) made out] for the parish [or township] of _____, by an entry as follows:—

Name as described in List.	Place of Abode as described in List.	Nature of Qualification as described in List.	Description of Qualifying Property.
Brown, John	High Street ..	Shop	2, Shire Lane.

2. My correct name and place of abode and the correct particulars respecting my qualification are, and ought to be stated, for the purposes of the register of parliamentary voters for the [parliamentary division of the] county of _____ and the county register about to be made up of county electors for the county of (*or as the case may be*) as follows:—

Correct Name.	Correct Place of Abode.	Correct Nature of Qualification.	Correct Description of Qualifying Property.
Brown, Joseph	15, High Street	House	24, Shire Lane.

Dated this _____ day of _____ 18 .

(Signed)

Made and subscribed before me }
 this _____ day of _____ 18 . }
 A. B.

Justice of the peace for

Note.—This form must be adapted to suit the various lists.

The person before whom the declaration is made should affix his official description.

SECOND SCHEDULE.

*Alteration of Forms in Third Schedule to Registration Act,
1885.*

FORM B.

No. 2.—NOTICE AS TO RATES TO BE PUBLISHED BY THE
OVERSEERS.

(County Government.)

Where a county rate is levied separately, and not as part of the poor rate, the form must be altered accordingly, so as to state that omission to pay the county rate will disqualify for registration as a county elector in respect of the old burgess qualification as well as the non-payment of the poor rate.

County of _____, } We hereby give notice that no person
to wit. } will be entitled to have his name inserted in any list of county electors for the said county now about to be made in respect of the occupation of any premises situate wholly or partly within this parish [*or township*] unless all sums which have become due in respect of those premises on account of any poor rate made and allowed during the twelve calendar months next preceding the fifth day of January last have been duly paid on or before the twentieth day of July next.

Dated the _____ day of June 18 .

(Signed) A. B. } Overseers of the parish [*or*
C. D. } township] of _____ .

FORM C.

No. 1.—NOTICE AS TO RATES TO BE SERVED BY OVERSEERS.

To A. B.
Parliamentary borough of
County of _____

Where a county rate is levied separately, and not as part of the poor rate, the form must be altered accordingly, so as to state that omission to pay the county rate will disqualify for registration as

Take notice that you will not be entitled to have your name inserted in the list of parliamentary voters for the said parliamentary borough or of county electors for the said county now about to be made in respect of the premises in your occupation in [*street or place*], unless on or before the twentieth day of July next all sums due in respect of those premises on account of any poor rate made and allowed,

Order in Council.

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during the twelve calendar months next preceding the fifth day of January last, amounting to £ are duly paid.

Dated the day of June 18 .

(Signed) C. D. } Overseers of the parish [or
 E. F. } township] of

a county elector in respect of the old bur-
gess qualifica-
tion, as well
as the non-
payment of
the poor rate.

FORM D.

No. 1.—FORM OF OCCUPIERS LIST.

List of

the persons entitled to be registered as parliamentary voters for the parliamentary borough of in respect of the inhabitant occupation of a dwelling-house, or of the occupation of any land or tenement of a clear yearly value of ten pounds, when such dwelling-house, land, or tenement is situate wholly or partly within this parish [or township]; and the persons entitled to be registered as county electors for the county of in respect of the occupation of property situate wholly or partly within this parish [or township].

N.B.—This list (No. 1) does not contain the names of any parliamentary voters except those entitled in respect of a household or 10% occupation.

Division One. Persons entitled to be Registered in respect of the occupation aforesaid both as Parliamentary Voters and as County Electors.

1. Names of Voters in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Qualifying Property.

Division Two. Persons entitled to be Registered in respect of the occupation aforesaid as Parliamentary Voters but not as County Electors.

1. Names of Voters in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Qualifying Property.

Sched. II.

Division Three. Persons entitled to be registered in respect of the occupation aforesaid as County Electors but not as Parliamentary Voters.

1. Names of Voters in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [*or*
 C. D. } township] of

FORM G.

LIST OF PERSONS ENTITLED TO BE ELECTED COUNCILLORS.

List of the persons who are entitled to be elected councillors of the county of in respect of the occupation within the parish [*or* township] of of any property, but who are not entitled to be on the county register of that county.

1. Names of Persons in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [*or*
 C. D. } township] of

FORM H.

FORM OF NOTICE OF CLAIM.

NO. 1.—(PARLIAMENTARY AND COUNTY GOVERNMENT.)

To the overseers of the parish [*or* township] of .

I claim to have my name inserted among the parliamentary voters for the parliamentary borough of [and county

electors for the county of [] in respect of the qualification named below [and to have my name omitted from the corrupt and illegal practices list].

Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B.

Note.—If the claim is to be registered both as a parliamentary voter and a county elector in respect of the same property, this notice is sufficient, and No. 3 need not be served.

No. 2.—(PARLIAMENTARY) (Lodgers).

To the overseers of the parish [or township] of .

I claim to have my name inserted as a lodger among the parliamentary voters for the borough of in respect of the qualification named below.

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.
Stevens, John William.	Two rooms, first floor, furnished.	51, Brick Street	16s. a week	William Johnson, 51, Brick Street.

I hereby declare that I have during the twelve calendar months immediately preceding the fifteenth day of July in this year occupied as sole tenant [or as joint tenant with], and resided in the above-mentioned lodgings, and that those lodgings are of a clear yearly value, if let unfurnished, of ten [or twenty] pounds or upwards† and I hereby declare that I am on the register of parliamentary voters for the said parliamentary borough in respect of the same lodgings as above

Omit the words between crosses if they are not applicable.

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mentioned, and I desire to have my name inserted in the old lodgers list.†

Dated the day of 18 .

(Signed) A. B. (the claimant).

I, the undersigned, hereby declare that I have witnessed the above signature of the above named [*here state name of claimant*], at the date stated above, and that I believe the above claim to be correct.

Dated the day of 18 .

(Signed) C. D., of

[*state residence and calling of witness.*]

Note.—If the claim is in respect of different rooms successively occupied as lodgings in the same house, the notice of claim must specify each room, or set of rooms, so occupied.

If the claimant is on the register in respect of the same lodgings, and desires to have his name inserted in the old lodgers list published on or before the first day of August, he must send in his claim on or before the twenty-fifth day of July.

In any other case he must send it in after the last day of July, and on or before the twentieth day of August.

If there are two joint lodgers, the yearly value of the lodgings must be twenty pounds or upwards.

— — —
No. 3.—(COUNTY GOVERNMENT).

To the overseers of the parish [*or township*] of .

I claim to have my name inserted in the list of county electors of the county of in respect of the qualification named below [*and I claim to have my name omitted from the corrupt and illegal practices list*].

Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B.

FORM I.

FORM OF NOTICE OF OBJECTION.

No. 1.—(PARLIAMENTARY AND COUNTY GOVERNMENT.)

Notice of Objection to be given to Overseers.

To the overseers of the parish [*or township*] of .

I hereby give notice that I object to the name of being retained on the list as a parliamentary voter for the parliamentary borough of [and as a county elector for the county of] [and to the omission of the said name from the corrupt and illegal practices list].

Dated the day of 18 .

(Signed) A. B. [*place of abode*] on the list of parliamentary voters [and county electors *or* burgesses] for the parish [*or township*] of .

No. 2.—(PARLIAMENTARY AND COUNTY GOVERNMENT.)

Notice of Objection to be given to Person objected to.

To

I hereby give you notice that I object to your name being retained on the list as a parliamentary voter for the parliamentary borough of [and as a county elector for the county of] [and to the omission of the said name from the corrupt and illegal practices list] on the following grounds, viz. :—

1. That [*e.g.*, you have not occupied for twelve months [*or* six months, *as the case may be*] to July, 15th].
2. That
- 3.

Dated the day of 18 .

(Signed) A. B., of [*place of abode*], on the list of parliamentary voters [and county electors *or* burgesses] for the parish [*or township*] of .

Note.—The notice of objection in each of the above two

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cases, Nos. 1 and 2, should, if there is more than one list, specify the list, and if the list referred to is made out in divisions, should specify the division to which the objection refers; and if the list contains two or more persons of the same name, should distinguish the person intended to be objected to.

If the notice refers to division one, the reference to a county elector may be inserted, and in such case these notices are sufficient, and Nos. 3 and 4 need not be served.

No. 3.—(COUNTY GOVERNMENT.)

Notice of Objection to be given to Overseers.

To the overseers of the parish [or township] of .
 I hereby give you notice that I object to the name of
 being retained on the list of county electors of the county of
 [and to the omission of the said name from the corrupt
 and illegal practices list].

Dated the day of 18 .

(Signed) A. B., of [place of abode], on
 the list of county electors [or burgesses]
 for the parish [or township] of .

No. 4.—(COUNTY GOVERNMENT.)

Notice of Objection to be given to Person objected to.

To

I hereby give you notice that I object to your name being
 retained on the lists of county electors of the county of
 on the following grounds, viz. :—

1. That [e.g., you have not occupied for twelve months [or
 six months, as the case may be] to July 15th].

2. That

3.

Dated the day of 18 .

(Signed) A. B., of [place of abode], on
 the list of county electors [or burgesses]
 for the parish [or township] of .

Note.—The notice of objection in each of the above two

cases, Nos. 3 and 4, should specify the division of the occupiers list to which the objection refers; and if the list contains two or more persons of the same name, should distinguish the person intended to be objected to.

FORM K.

FORM OF LIST OF CLAIMANTS TO BE PUBLISHED BY THE
OVERSEERS.

No. 1.—LIST OF CLAIMANTS (PARLIAMENTARY AND
COUNTY GOVERNMENT).

The following persons claim to have their names inserted in division one of the occupiers list for the parish [*or* township] of _____ as parliamentary voters for the parliamentary borough of _____, and county electors for the county of _____.

List of claimants (parliamentary and county government).

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers for the parish [*or*
C. D. } township] of _____.

Note.—Form No. 1 applies to persons who claim to be entered in division one of the occupiers list, both as parliamentary voters and as county electors.

A copy of the claim must be entered in this form.

Any claim to be omitted from the corrupt and illegal practices list must be added to the foregoing list of claimants.

Appendix.

No. 2.—LIST OF CLAIMANTS (PARLIAMENTARY).

List of
claimants
(parliamentary).

The following persons claim otherwise than as lodgers to have their names inserted in the lists of parliamentary voters for the parliamentary borough of .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers for the parish [or
C. D. } township] of .

Note.—This form applies to claims by persons to be inserted in division two of the occupiers list.

Any claim to be omitted from the corrupt and illegal practices list shall be added to the foregoing list of claimants.

A copy of the claim must be entered in this form.

No. 3.—LIST OF LODGER CLAIMANTS (PARLIAMENTARY).

List of lodger
claimants.

The following persons claim as lodgers to have their names inserted in the lists of parliamentary voters for the parliamentary borough of .

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name of Address of Landlord or other person to whom Rent is paid.

(Signed) A. B. } Overseers for the parish [or
C. D. } township] of .

In this form the particulars should be copied from the claims sent in.

No. 4.—LIST OF CLAIMANTS (COUNTY GOVERNMENT).

The following persons claim to have their names inserted in the county register for the county of .

List of claimants (county electors).

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [or
C. D. } township] of .

Any claim to be omitted from the corrupt and illegal practices list must be added to the above list.

This list need not include the names of persons who claim to be entered in division one of the occupiers list.

FORM L.

FORM OF LIST OF PERSONS OBJECTED TO TO BE PUBLISHED BY THE OVERSEERS.

No. 1.—LIST OF PERSONS OBJECTED TO (PARLIAMENTARY AND COUNTY GOVERNMENT).

The following persons have been objected to as not being entitled to have their names retained on division one of the occupiers list of parliamentary voters for the parliamentary

List of persons objected to (parliamentary and county government).

borough of _____ and of county electors for the county of _____

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [or
C. D. } township] of _____

Note.—This form applies only to persons objected to who appear in division one of the occupiers list.

In this form the particulars should be copied from the list of voters.

Any objection to the omission of a person from the corrupt and illegal practices list should be added to the foregoing list.

No. 2.—LIST OF PERSONS ON OCCUPIERS LIST WHO HAVE BEEN OBJECTED TO (PARLIAMENTARY).

List of persons objected to (parliamentary).

The following persons have been objected to as not being entitled to have their names retained on the _____ lists of parliamentary voters for the parliamentary borough of _____.

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [or
C. D. } township] of _____

Note.—This list applies to objections to persons whose names appear in division two of the occupiers list.

In this form copy particulars from the list of voters.

Any objection to the omission of a person from the corrupt and illegal practices list shall be added to the foregoing list.

No. 3.—LIST OF LODGERS OBJECTED TO (PARLIAMENTARY).

The following persons have been objected to as not being entitled to have their names retained on the list of persons entitled in respect of residence in lodgings to be parliamentary voters for the parliamentary borough of .

List of persons objected to (lodgers).

Name of Person objected to in full, Surname being first.	Description of Rooms occupied, and whether furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) A. B. } Overseers of the parish [or
C. D. } township] of .

Note.—This form applies only to lodgers on the old lodgers list who are objected to. The list of lodgers so objected to should form a separate list from that of other persons objected to.

In this form copy particulars from the old lodgers list.

Sched. II.

No. 4.—LIST OF PERSONS OBJECTED TO (COUNTY GOVERNMENT).

List of persons
objected to
(county go-
vernment).

The following persons have been objected to as not being entitled to have their names retained on the lists of county electors for the county of .

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Description of Qualifying Property.

(Signed) A. B. } Overseers of the parish [*or*
 C. D. } township] of .

This form applies only to objections to persons whose names appear in division three of the occupiers list.

In this form the particulars should be copied from the list of county electors.

Any objection to the omission of a person from the corrupt and illegal practices list shall be added to the foregoing list.

FORM M.

DECLARATION FOR CORRECTING MISDESCRIPTION IN LIST.

I, of No. in the parish of in the parliamentary borough of , and in the county of , do solemnly and sincerely declare as follows:—

1. I am the person referred to in division of the list of parliamentary voters and county electors made out in divisions [*or* in the list of (*specifying the particular list*) made out] for the parish [*or* township] of , by an entry as follows:—

Name as described in List.	Place of Abode as described in List.	Nature of Qualification as described in List.	Description of Qualifying Property.
Brown, John	High Street	Shop	2, Shire Lane.

2. My correct name and place of abode and the correct particulars respecting my qualification are, and ought to be stated, for the purposes of the register of parliamentary voters for the parliamentary borough of [and the county register about to be made up of county electors for the county of (as the case may be)], as follows:—

Correct Name.	Correct Place of Abode.	Correct Nature of Qualification.	Correct Description of Qualifying Property.
Brown, Joseph..	15, High Street ..	House	24, Shire Lane.

Dated this day of 18 .

(Signed)

Made and subscribed before me }
 this day of 18 . }

A. B.

Justice of the Peace for

The person before whom the declaration is made should affix his official description.

Note.—This form must be adapted to suit the various lists.

THE FOLLOWING ARE THE ACTS OF PARLIAMENT CONFERRING POWERS UPON THE METROPOLITAN BOARD OF WORKS.

METROPOLIS MANAGEMENT ACTS.

The Metropolis Management Act, 1855 (18 & 19 Vict. c. 120), is the Act under which the board and the various vestries and district boards of the metropolis are constituted. The principal duties of the board under this Act consist in the formation and maintenance of main sewers ; control over the construction of local sewers by vestries and district boards ; control over the formation of streets and the line of buildings therein ; also over the naming of streets and numbering of houses. The board is further empowered to make, widen, or improve streets, and it is authorized to levy rates and to borrow money for all these purposes. The board is also authorized (sect. 144), when it appears to them that further powers are required for the purpose of any work for the improvement of the metropolis or public benefit of the inhabitants thereof, to make application to parliament for that purpose, and to defray the expenses of such application in the same manner as other expenses of the board. See also sect. 10 (19 & 20 Vict. c. 112), which removes all doubts as to the authority of the board to apply to parliament for the purpose of providing parks, pleasure grounds, places of recreation, and open spaces.

The Metropolis Management Amendment Act, 1856 (19 & 20 Vict. c. 112), amends the last-mentioned Act in certain particulars as regards the rating of occupiers, &c., and also authorizes the board to apply to parliament for power to provide parks and recreation grounds for the metropolis.

The Metropolis Management Amendment Act, 1862 (25 & 26 Vict. c. 102). By this Act, the debt in respect of works executed by the Metropolitan Commissioners of Sewers in connection with the Counter's Creek, Ravensbourne, and Victoria Street sewers, is settled and apportioned. The mode of assessment upon the several parts of the metropolis of the expenses of the board is also determined. The Act contains provisions for preventing the construction of sewers without the approval of the board ; for regulating the projection of buildings beyond the general line of frontage, the height of

buildings, and the width of streets. It also contains provisions with respect to the naming of streets and numbering of houses.

The Metropolis Management Acts Amendment Act, 1875 (38 & 39 *Vict. c. 33*), requires the Board, in making its assessments upon such parts of the metropolis as contain property wholly or partially exempt from liability to the sewers rate, to make an allowance or abatement in respect of such whole or partial exemption.

The Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879 (42 & 43 *Vict. c. 198*), empowers the Board to require owners of land and premises on the river-side to do such works as may be necessary to prevent the overflow of the Thames within the metropolis; and in case of their default, to do the works itself, charging them with the whole or such part of the cost as it may think just.

The Metropolis Management Amendment Act, 1885 (48 & 49 *Vict. c. 33*), provides for an addition to the number of members of the Board to be elected by certain parishes and districts, the population and rateable value of which have much increased since the original Act of 1855. The districts of Plumstead and Lewisham are in future to have each a separate representative. The union of the parishes of Fulham and Hammersmith, for the purposes of local management, is dissolved, and each parish is to manage its own affairs, and to have a separate representative at the Board.

The Metropolis Management (Battersea and Westminster Act, 1887 (50 & 51 *Vict. c. 17*), separates the parish of Battersea from the Wandsworth district, and makes the vestry the governing body under the Metropolis Management Act. It also dissolves the district board of Westminster, and incorporates the united Vestry of St. Margaret and St. John as the governing body of the two parishes.

BUILDING ACTS.

The Metropolitan Building Act, 1855 (18 & 19 *Vict. c. 122*). —By this Act the Board is entrusted with the regulation and supervision of buildings in the metropolis, the appointment of district surveyors, &c.

The Metropolitan Building Act Amendment Act, 1860 (23 &

24 *Vict. c. 52*), provides that the rules of the Act of 1855, with respect to cubical dimensions, shall not apply to buildings used wholly for the making of machinery and boilers.

The Metropolitan Building Act Amendment Act, 1861 (24 & 25 *Vict. c. 87*), exempts from the operation of the first part of the Act of 1855 any public buildings erected, or to be erected, by the Commissioners for the Exhibition of 1851.

The Metropolitan Building Act, 1869 (32 & 33 *Vict. c. 82*), transfers to the Board the duties in connection with dangerous structures in the metropolis, which, under the Act of 1855, were discharged by the metropolitan police.

The Metropolis Management and Building Acts Amendment Act, 1878 (41 & 42 *Vict. c. 32*), gives further powers to the Board with respect to the width of new streets, the construction of theatres and music-halls, and the foundations of buildings.

The Metropolis Management and Building Acts Amendment Act, 1882 (45 *Vict. c. 14*), gives further powers to the Board with respect to new streets, new buildings which project beyond the general line, temporary iron or wooden structures, neglected structures, and other matters.

MAIN DRAINAGE ACTS.

The Main Drainage Act, 1858 (21 & 22 *Vict. c. 104*), extends the powers granted to the Board by the Metropolis Management Act, 1855, for the purification of the Thames and the main drainage of the metropolis.

The Thames Navigation Act, 1870 (33 & 34 *Vict. c. 149*).—By the 20th and following sections of this Act, the Board is required to keep the Thames free from any banks or other obstructions to the navigation which may arise from the flow of sewage from the outfalls into the river, and for this purpose is to dredge the river. Any difference between the Board and the Thames Conservators as to the cause of any obstructions, and as to the expense of removing them, is to be settled by the Board of Trade.

The Hornsey Local Board Act, 1871 (34 & 35 *Vict. c. 129*), provides for the conveyance of the sewage of Hornsey into the main drainage system of the metropolis. In consideration of this privilege, the Hornsey Local Board is, besides paying the sum of 10,000*l.*, to contribute in future, in pro-

portion to the rateable value of the property in Hornsey, towards the amount required to meet the principal and interest of the main drainage debt, and also the annual cost of maintaining and working the main drainage system.

The Beckenham Sewerage Act, 1873 (36 & 37 *Vict. c. 218*), provides for the admission of the sewage of a portion of the parish of Beckenham into the main drainage system. The Beckenham sanitary authority is to pay to the Board a sum of money, and, moreover, to contribute in future, in proportion to the rateable value of the property in the area drained, towards the payment of the interest and the redemption of the principal of the main drainage debt, and also towards the annual cost of maintaining and working the main drainage system.

The West Kent Main Sewerage Act, 1875 (38 & 39 *Vict. c. 163*).—By this Act a body called the West Kent Main Sewerage Board is constituted, and is empowered to make a main sewer from Beckenham to Dartford, with other works, for the drainage of the districts through which the sewer would pass. The Metropolitan Board is entitled to have a communication made into such sewer from any metropolitan sewer, upon payment for the same. The Board is also authorised to lend money to the West Kent Board.

The Lea Purification Act, 1886 (49 & 50 *Vict. c. 109*), makes provision for the sewage water of Tottenham, after removal of the matter in suspension, passing into the Board's sewers for a limited period, and under certain conditions.

LOANS ACTS.

The Metropolitan Board of Works Loans Act, 1869 (32 & 33 *Vict. c. 102*).—The object of this Act is to extend the Board's borrowing powers, and to facilitate the exercise of such powers. The Board is authorised to create consolidated stock or annuities, charged indifferently on all the property and securities of the Board, and to be redeemed within sixty years. It is in future to levy but one rate for all purposes, to be called the Metropolitan Consolidated Rate. The sanction of her Majesty's Treasury is requisite before the borrowing powers can be exercised. All the sections of special Acts

authorising the Board to borrow, or limiting its powers in that respect, are repealed. By the 37th section the Board is empowered to lend a certain sum to the managers of the Metropolitan Asylums District.

The Metropolitan Board of Works Loans Act, 1870 (33 & 34 Vict. c. 24), empowers the Board to compound for the stamp duty chargeable on transfers of Metropolitan Consolidated Stock by the payment to the Inland Revenue Commissioners of 7s. 6d. for every hundred pounds of stock seven days after its issue.

NOTE.—This payment was increased to 12s. 6d. by the Inland Revenue Act, 1880, 43 & 44 Vict. c. 20, ss. 53 and 54. By the Customs and Inland Revenue Act, 1887, 50 & 51 Vict. c. 15, future compositions of stamp duty are to be at the rate of 1s. per cent. per annum.

The Metropolitan Board of Works Loans Act, 1871 (34 & 35 Vict. c. 47), authorises the Board to raise from time to time, by the creation of stock, the money requisite for the payment of the instalments of principal of the main drainage debt as they become due. Power is given to trustees to invest in Metropolitan Consolidated Stock. The Act also empowers the Board to lend money, with the consent of the Treasury, to vestries and district boards, for works of permanent improvement, and also to lend a further sum to the managers of the Metropolitan Asylums District.

The Metropolitan Board of Works Loans Act, 1875 (38 & 39 Vict. c. 65), empowers the Board to raise money, not exceeding certain sums named in the Act, for its own requirements, and also for lending to other local authorities in the metropolis, up to 31st December, 1876.

NOTE.—An Act similar to the last-mentioned is now passed every year, empowering the Board to borrow the money that will be required for various purposes during the succeeding year.

COAL AND WINE DUTIES ACTS.

The Coal and Wine Duties Continuance Act, 1861 (24 & 25 Vict. c. 42), continues for a further period of ten years the duties on coal and wine levied by the Corporation of London, viz., from 1862 to the 5th of July, 1872. The proceeds of the wine duty, and of the 9d. part of the 13d. coal duty, are, after paying all charges on the London Bridge Approaches Fund, to be paid to an account to be opened in the names of

the Lords Commissioners of Her Majesty's Treasury at the Bank of England, entitled "The Thames Embankment and Metropolis Improvement Fund," such fund to be applied to the improvement of the metropolis; the 4d. part of the coal duty to be applied by the Corporation of London towards improvements in the City.

The Coal and Wine Duties Continuance Act, 1863 (26 & 27 Vict. c. 46), is an Act for further continuing these duties until the 5th of July, 1882. The proceeds of the wine duty and of the 9d. part of the coal duty are to be paid to "The Thames Embankment and Metropolis Improvement Fund," and the proceeds of the 4d. part of the coal duty are to be applied to the raising of the Holborn Valley, and afterwards to other improvements in or adjacent to the City of London.

The Coal and Wine Duties Continuance Act, 1868 (31 Vict. c. 17), further continues the duties until the 5th July, 1889. Until 1888 they are to be appropriated in the manner directed by the two last-mentioned Acts. The duties for the year 1889 are to be applied in freeing from toll certain bridges over the Thames and Lee beyond the limits of the metropolis, but within the area over which the duties are levied.

BRIDGE AND TUNNEL ACTS.

The Kew and other Bridges Act, 1869 (32 & 33 Vict. c. 19), provides for the incorporation of a joint committee, to consist of six members of the Board and six members of the Corporation of London, to free from toll certain bridges over the rivers Thames and Lee beyond the limits of the metropolis, but within the area over which the London coal and wine duties are levied. The committee is empowered to raise for this purpose 150,000*l.* on security of the duties for the year 1889.

The Kew and other Bridges Act, 1869, Amendment Act, 1874 (37 & 38 Vict. c. 21), empowers the joint committee to raise an additional sum of 25,000*l.* over and above the amount named in the Act of 1869, for the purposes of that Act, and authorises the Board to lend the joint committee any sum not exceeding 50,000*l.*

The Metropolis Toll Bridges Act, 1877 (40 & 41 Vict. c. 99), requires the Board to extinguish the tolls on all the bridges

over the Thames within the metropolis, and the bridge over Deptford-creek, and thereafter to maintain and repair the bridges. The county authorities of Middlesex and Surrey are each to pay to the Board 1,200*l.* a year as a contribution towards the costs of maintaining the bridges. The Board is empowered to borrow for the purposes of the Act 1,500,000*l.*

The Metropolitan Bridges Act, 1881 (44 & 45 Vict. c. 192), authorises the Board to build new bridges over the Thames at Putney and Battersea, in place of the existing bridges, to alter and improve Vauxhall Bridge, and to reconstruct Deptford-creek Bridge.

The Metropolitan Board of Works (Bridges, &c.) Act, 1883 (46 & 47 Vict. c. 177), empowers the Board to alter and reconstruct Hammersmith Bridge, and to redeem from toll East and West Ferry Roads in the Isle of Dogs.

The Metropolitan Board of Works (Bridges) Act, 1884 (47 & 48 Vict. c. 228), empowers the Board to alter the situation of the new bridge at Battersea, authorised by the Act of 1881.

The Thames Tunnel (Blackwall) Act, 1887 (50 & 51 Vict. c. 172), empowers the Board to make a tunnel or subway for traffic across the Thames between Blackwall and Greenwich, with approaches thereto.

THAMES EMBANKMENT ACTS.

The Thames Embankment (North) Act, 1862 (25 & 26 Vict. c. 93), empowers the Board to construct an embankment on the north side of the river from Westminster Bridge to Blackfriars Bridge, and to make approaches thereto from the Strand and Whitehall. The works are to be paid for out of the coal and wine duties, power being given to the Board to borrow 1,000,000*l.* upon the security of those duties.

The Thames Embankment (South) Act, 1863 (26 & 27 Vict. c. 75), provides for the embankment of part of the southern side of the river, in the parish of Lambeth, and the Board is authorised to borrow to the extent of 480,000*l.* for the purpose.

The Thames Embankment Amendment Act, 1864 (27 & 28 Vict. c. 135), is an extension of the last-mentioned Act, and enables the Board to purchase additional lands and to make further improvements in the parish of Lambeth.

The Thames Embankment (North and South) Act, 1868 (31 & 32 *Vict. c. 111*), authorises the alteration and abandonment of certain streets intended as approaches to the Thames Embankment, authorised by the Act of 1862, and the substitution of certain other streets instead thereof, and in some respects amends the Thames Embankment Act of 1863.

The Thames Embankment (Chelsea) Act, 1868 (31 & 32 *Vict. c. 135*), authorises the Board to construct an embankment and road between Chelsea Hospital and Battersea Bridge, and to defray the cost thereof out of the Thames Embankment and Metropolis Improvement Fund. The Board is also empowered to borrow, for the purpose of the works, the sum of 285,000*l.*

The Thames Embankment (North) Act, 1870 (33 & 34 *Vict. c. 92*), provides for the abandonment of a proposal to form a street from Charing Cross Bridge to Wellington Street, as authorised by the Thames Embankment (North and South) Act, 1868.

The Thames Embankment (North) Act, 1872 (35 & 36 *Vict. c. 66*), places the road along the Victoria Embankment under the management and control of the Board.

The Thames Embankment (South) Act, 1873 (36 *Vict. c. 7*), transfers to the Board the duty of maintaining and lighting the wall of the Albert Embankment, and the footway adjoining.

The Thames Embankment (Land) Act, 1873 (36 & 37 *Vict. c. 40*), confirms an arrangement made between the Commissioners of Woods and Forests and the Metropolitan Board, for the transfer to the Board of a portion of the land reclaimed from the river Thames by the embankment, and vested in the Crown, under the provisions of the Thames Embankment Act, 1862. The ground is to be maintained by the Board as a public garden.

STREET IMPROVEMENT ACTS.

The Covent Garden Approach, and Southwark and Westminster Communication Act, 1857 (20 & 21 *Vict. c. 115*), empowers the Board to make a new street from St. Martin's Lane to King Street, Covent Garden, and a new street in Southwark, and authorizes it to raise money for the purpose.

The Victoria Park Approach Act, 1858 (21 *Vict. c. 38*),

authorizes the Board to form a new street, commencing in the East India Dock Road, where it intersects Commercial Road East, and terminating at Saville Place, in the Bow Road.

The Metropolis Improvement Act, 1863 (26 & 27 Vict. c. 45), empowers the Board to make a new street from Blackfriars to the Mansion House, in continuation of the northern embankment, and to borrow the sum of 1,000,000*l.* for the works.

The Whitechapel and Holborn Improvement Act, 1865 (28 Vict. c. 3), is an Act to enable the Board to make a new street in Whitechapel, and to remove Middle Row, Holborn.

The Kensington Improvement Act, 1866 (29 & 30 Vict. c. 150), empowers the Board to widen part of High Street, Kensington, and to make other new streets in connection therewith.

The Marylebone (Stingo Lane) Improvement Act, 1868 (31 Vict. c. 7), empowers the Board to form a new street from Marylebone Road to Upper York Street, in the line of Stingo Lane; the cost to be borne one-half by the Board and one-half by the Vestry of St. Marylebone.

The Park Lane Improvement Act, 1869 (32 & 33 Vict. c. 134), provides that Hamilton Place shall be widened and opened into Park Lane. The improvement is to be paid for out of the proceeds of the coal and wine duties, and the Board is empowered to borrow 135,000*l.* for the purpose.

The Metropolitan Street Improvements Act, 1872 (35 & 36 Vict. c. 163), empowers the Board to make certain new thoroughfares between Oxford Street, Old Street, Shoreditch, and Bethnal Green; to widen High Street, Shoreditch; to improve the thoroughfare between the Wapping entrance of the London Docks and the entrance of St. Katharine's Dock; to widen Edgware and Harrow roads at their point of junction; and to widen part of Newington-butts. The Board is authorized to borrow, for the purpose of these works, the sum of 2,500,000*l.*

The Charing Cross and Victoria Embankment Approach Act, 1873 (36 & 37 Vict. c. 100), empowers the Board to make a direct approach from Charing-cross to the Victoria Embankment, and to purchase for that purpose the mansion, grounds and adjacent property of the Duke of Northumberland.

The Metropolitan Street Improvements Act, 1877 (40 & 41 *Vict. c. 235*), empowers the Board to make a new street from Tottenham-court Road to Charing-cross, one from New Oxford Street to Piccadilly Circus, and other street improvements in the neighbourhood; to widen part of Gray's Inn Road, part of Kentish Town Road, the road near the "Angel" at Islington, part of Mare Street, Hackney, and part of Tooley Street and other streets in continuation thereof; to make a new street between Southwark Bridge Road and Great Dover Street, to widen Jamaica Road and Jamaica Level, Bermondsey, and Union Road, Rotherhithe; part of Camberwell Road and Church Street, Camberwell, Peckham Road and High Street, and Queen's Road, Peckham; also the approaches to Deptford Bridge and part of the Greenwich Road.

The Metropolitan Street Improvements Act, 1877 (Amendment) Act, 1882 (45 & 46 *Vict. c. 222*), amends the provisions of the Act of 1877, so far as they relate to the Gray's Inn Road improvement and the appropriation of ground for working-class dwellings in Gray's Inn Road.

The Metropolitan Street Improvements Act, 1877 (Amendment) Act, 1883 (46 *Vict. c. 23*), amends the provisions of the Act of 1877, so far as they relate to the appropriation of ground for dwellings for working people to be displaced by the western street improvements authorized by that Act.

The Metropolitan Street Improvements Act, 1883 (46 & 47 *Vict. c. 178*), empowers the Board to effect the following street improvements:—The widening of Upper Street, Islington; the widening of Green Street and Little York Street, Bethnal Green; an improvement at Tower Hill; the widening of King Street East and Brook Green Road, Hammer-smith; of Church Place and part of High Street, Hampstead; of Star Corner and part of Bermondsey New Road; of part of Walworth Road; and of part of South Lambeth Road. The Vestry of Hampstead is to contribute one-half of the cost of the Hampstead improvement. The Board is also empowered to purchase two foot-bridges over the Grand Junction Canal, which are thereafter to be vested in and maintained by the vestries of Paddington and Chelsea respectively.

The Metropolitan and District Railway (City Lines and Extensions) Act, 1879 (42 & 43 *Vict. c. 201*), provides for the completion of the inner circle of railways in the metropolis, and for the formation in connection therewith of a new street, and the widening of other streets in the City of London. The Board and the City authorities are empowered to enter into arrangements with the two railway companies with respect to the construction and maintenance of the new street and works.

The Knightsbridge and other Crown Lands Act, 1879 (42 & 43 *Vict. c. 19*), empowers the Board to purchase, for the sum of 5,000*l.*, a strip of land adjoining Knightsbridge Barracks, for the purpose of widening the road.

DWELLINGS IMPROVEMENT ACTS.

The Artizans' and Labourers' Dwellings Improvement Act, 1875 (38 & 39 *Vict. c. 36*), empowers the Board, on receiving a representation from a medical officer of health that the houses within any area are unfit for habitation, to declare the same to be an unhealthy area, and to make an improvement scheme in respect of it. The scheme, when confirmed by the Secretary of State and by Parliament, is to be carried out, the houses bought and taken down, and the ground sold or let for the erection of suitable dwellings for the working classes.

The Artizans' and Labourers' Dwellings Improvement Act, 1879 (42 & 43 *Vict. c. 63*), amends the provisions of the Act of 1875, which relate to the assessment of the compensation to be paid in respect of unhealthy houses, and to the new accommodation to be provided for the people of the working class displaced.

The Artizans' and Labourers' Dwellings Act, 1868, Amendment Act, 1879 (42 & 43 *Vict. c. 64*), gives the Board power to require the local authorities under the Act of 1868 (*i. e.*, the vestries and district boards) to put that Act in force in respect of any premises, and in their default to act itself in the matter, charging the local authority with the expense.

The Artizans' Dwellings Act, 1882 (45 & 46 *Vict. c. 54*), further amends in various particulars the provisions of the Acts of 1875 and 1879.

The Housing of the Working Classes Act, 1885 (48 & 49 *Vict. c. 72*), authorizes the Board, subject to the approval of a Secretary of State, to adopt for the metropolis the Labouring Classes' Lodging Houses Acts, 1851 to 1867, which empower local authorities to acquire land and erect buildings for the purposes of the Acts. The question whether a block of houses unfit for habitation should be dealt with by the Board under the Artizans', &c., Dwellings Improvement Acts, or by the local authority, may be decided by a Secretary of State.

Acts of Parliament have been passed confirming schemes under the Artizans' and Labourers' Dwellings Improvement Acts, for the improvement of areas situated as follows:—

- 1876. Whitechapel and Limehouse.
- 1877. Goulston Street and Flower and Dean Street,
Whitechapel.
Elizabeth Place, King Street, and Mint Street,
Southwark.
Bedfordbury, St. Martin-in-the-Fields.
Great Wild Street, St. Giles-in-the-Fields.
Pear Tree Court, Clerkenwell.
Whitecross Street, St. Luke's.
High Street, Islington.
Old Pye Street, Westminster.
- 1878. Bowman's Buildings, Marylebone.
Essex Road, Islington.
- 1879. Little Coram Street, Bloomsbury.
Well Street, Poplar.
Great Peter Street, Westminster.
- 1883. Tench Street, St. George-in-the-East.
Brook Street, Limehouse.
Windmill Row, New Cut, Lambeth.
Trafalgar Road, Greenwich.
- 1885. Hughes Fields, Deptford.
Tabard Street, Newington.
- 1887. Cable Street, Shadwell.
Shelton Street, St. Giles-in-the-Fields.

PARKS AND GARDENS ACTS.

The Finsbury Park Act, 1857 (20 & 21 *Vict. c. 150*), empowers the Board to provide a park in the parishes of

Islington and Hornsey, and to take land compulsorily for the purpose.

The Southwark Park Act, 1864 (27 *Vict. c. 4*), empowers the Board to form a park in the parish of Rotherhithe, and to take land compulsorily for the purpose.

The Victoria Park Act, 1872 (35 & 36 *Vict. c. 53*), confirms an agreement made by the Board with the Commissioners of Woods and Forests, to purchase for the sum of 20,450*l.*, certain land adjoining Victoria Park; such land to be added to and to form part of the park.

The London Parks and Works Act, 1887 (50 & 51 *Vict. c. 34*), transfers to the Board the management and control of Victoria Park, Battersea Park, Kennington Park, Bethnal Green Museum Garden, Westminster Bridge, and the Grosvenor Road embankment, all of which had been previously maintained by the Commissioners of Her Majesty's Works and Public Buildings.

The Gardens in Towns Protection Act, 1863 (26 *Vict. c. 13*).—Under this Act any garden or ornamental ground in the metropolis (except in the city of London), set apart for the use of the inhabitants, and not kept in proper order, may be dealt with by the Board and vested in a committee of the rated inhabitants to be kept as a garden or ornamental ground. In the event of the inhabitants not accepting the charge, the Board is to place the garden under the vestry or district board.

The Leicester Square Act, 1874 (37 *Vict. c. 10*), authorizes the Board to acquire possession of the enclosure of Leicester Square, and to maintain it as a place of public recreation.

The Metropolitan Open Spaces Act, 1877 (40 & 41 *Vict. c. 35*), authorizes the Board to acquire and hold open spaces, such as gardens in squares, for the benefit of the public.

The Metropolitan Open Spaces Act, 1881 (44 & 45 *Vict. c. 34*), extends the operation of the last-mentioned Act, and includes disused burial grounds among the open spaces which may be transferred to the Board, or to any vestry or district board, for the benefit of the public.

COMMONS AND OPEN SPACES ACTS.

The Metropolitan Commons Act, 1866 (29 & 30 *Vict. c. 122*), has for its object the preservation of commons and open

spaces in and near the metropolis. The Board may present a memorial to the Inclosure Commissioners with respect to any common within the metropolitan area, and the Commissioners are thereupon to make inquiry and prepare a scheme for its management, which scheme is to be confirmed by Parliament.

The Metropolitan Commons Act, 1878 (41 & 42 Vict. c. 71), gives the Board power to purchase and hold, with a view to prevent the extinction of the rights of common, any saleable rights in common or any tenement of a commoner to which rights of common are annexed.

The Metropolitan Commons Supplemental Act, 1871 (34 & 35 Vict. c. 57), confirms a scheme prepared by the Inclosure Commissioners, under the provisions of the Act of 1866, for the management of Blackheath. The heath is placed under the jurisdiction of the Board.

The Metropolitan Commons Second Supplemental Act, 1871 (34 & 35 Vict. c. 63), confirms a scheme of the Inclosure Commissioners for the management by the Board of Shepherd's Bush Common.

The Metropolitan Commons Supplemental Act 1872 (35 & 36 Vict. c. 43), confirms a scheme of the Inclosure Commissioners for the management by the Board of the various pieces of ground called the Hackney Commons.

The Metropolitan Commons Supplemental Act, 1873 (36 & 37 Vict. c. 66), confirms a scheme of the Inclosure Commissioners for the management of Tooting Beck Common, the manorial rights in which the Board agreed to purchase for the sum of 10,200*l.*

The Metropolitan Commons Supplemental Act, 1877 (40 & 41 Vict. c. 201), confirms a scheme of the Inclosure Commissioners for the management of Clapham Common, the manorial rights in which the Board agreed to purchase for 18,000*l.*; and a scheme for Bostall Heath, the manorial rights in which the Board agreed to purchase for 5,500*l.*

The Metropolitan Commons Supplemental Act, 1881 (44 Vict. c. 18), confirms a scheme of the Inclosure Commissioners for the management by the Board of Brook Green, Eel-brook Common, and Parson's Green.

The Metropolitan Commons Supplemental Act, 1884 (47 Vict.

c. 2), confirms a scheme of the Land Commissioners for the management by the Board of Streatham Common.

The Hampstead Heath Act, 1871 (34 & 35 *Vict. c. 77*), confirms an arrangement made by the Board with the lord of the manor of Hampstead, for the purchase, for the sum of 45,000*l.*, of his rights over Hampstead Heath, thus securing the ground for ever as a place of recreation for the public.

The Hampstead Heath Enlargement Act, 1886 (50 *Vict. c. 41*), makes it lawful for the Board to acquire the land known as Parliament Hill, Parliament Fields, &c., near Hampstead Heath, for the purposes of public recreation, and provides that contributions towards the cost may be made by any vestry or district board and by the Charity Commissioners out of funds dealt with by the City Parochial Charities Act, 1883.

The Plumstead Common Act, 1878 (41 & 42 *Vict. c. 145*), empowers the Board to purchase the estate and interest of Queen's College, Oxford, in Plumstead Common and Shoulder-of-Mutton Green. A portion of Plumstead Common is to be for ever kept open as an exercise ground for troops, and in respect thereof the War Department is to pay the Board 4,000*l.* as purchase-money.

The Wormwood Scrubs Act, 1879 (42 & 43 *Vict. c. 160*), vests in the Board the common known as Wormwood Scrubs and certain land adjoining, to be maintained as a place of public recreation, subject to the rights of user by the military forces.

The Metropolitan Board of Works (Hackney Commons) Act, 1881 (44 & 45 *Vict. c. 148*), confirms an agreement made by the Board with Mr. W. A. T. Amherst, for the purchase of his manorial rights over the Hackney Commons for the sum of 33,000*l.*

The Clissold Park (Stoke Newington) Act, 1887 (50 & 51 *Vict. c. 137*), empowers the Board and the Hackney District Board, or either of them, to purchase of the Ecclesiastical Commissioners the land known as Clissold Park. The Act provides that the land, if so acquired, shall be kept open, uninclosed and unbuilt on, except as regards a portion, not exceeding two acres, which the Stoke Newington Vestry is authorized to acquire for parochial purposes.

GAS ACTS.

The Sale of Gas Act, 1859 (22 & 23 *Vict. c. 15*), is an Act for regulating the measures used in the sale of gas. It fixes the standard of measurement, provides for the deposit of models of measures with the Comptroller General of the Exchequer, and for the appointment, by the justices, of inspectors to test meters.

The Sale of Gas Act, 1860 (23 & 24 *Vict. c. 146*), provides that where, in the last-mentioned Act, anything is required to be done within a specified time after the passing of the same, such time shall be calculated as if the 13th October, 1860, had been the date of the passing of the Act.

The Metropolis Gas Act, 1860 (23 & 24 *Vict. c. 125*), is an Act for better regulating the supply of gas in the metropolis. It confirms the arrangements made by the metropolitan gas companies among themselves, under which a separate district was assigned to each, and contains provisions relative to the price, illuminating power, and purity of the gas to be supplied.

The Sale of Gas Amendment Act, 1861 (24 & 25 *Vict. c. 79*), amends the Acts of 1859 and 1860, relating to the measures used in the sale of gas, by transferring to the Board the power to appoint inspectors to test meters in the metropolis.

The Commercial Gas Act, 1875 (38 & 39 *Vict. c. 200*).—*The Gas Light and Coke Company Act*, 1876 (39 & 40 *Vict. c. 225*).—*The South Metropolitan Gas Light and Coke Company's Act*, 1876 (39 & 40 *Vict. c. 229*).—These Acts impose upon the Board the duty of testing the gas supplied by the several companies therein referred to (with the exception of that supplied in the City of London), in order to see that the conditions as to purity, illuminating power, and pressure are complied with. The Board is required to appoint, and always keep appointed, gas examiners for this purpose.

The Gas Light and Coke and other Gas Companies' Acts Amendment Act, 1880 (43 & 44 *Vict. c. 181*), amends the provisions of the last-mentioned Acts with respect to the testing of gas and the recovery of forfeitures for defective gas.

WATER ACT.

The Metropolis Water Act, 1871 (34 & 35 Vict. c. 113), provides for a constant supply of water to the metropolis. This Board is constituted the metropolitan authority, but the City of London is excluded from its jurisdiction. Any company may propose to give a constant supply, or the metropolitan authority may apply to a company for it, failing both of which, and under certain conditions, the Board of Trade may require a constant supply to be provided. The companies are to make regulations, which are to be submitted to the Board of Trade for approval, the Metropolitan Board having the right to be heard. No company can be required to give a constant supply if it can be shown that more than one-fifth of the houses in the district are not provided with the prescribed fittings. The Act contains provisions with regard to quality of water, accounts, arbitration, penalties and other miscellaneous matters.

NOTE.—By the 35th section of *The Public Health Act, 1872 (35 & 36 Vict. c. 79)*, the powers and duties of the Board of Trade under the *Metropolis Water Act* are transferred to the Local Government Board.

TRAMWAY ACTS.

The Tramways Act, 1870 (33 & 34 Vict. c. 78), is an Act to facilitate the construction and regulate the working of tramways. The Board is constituted the local authority for the metropolis. Any local authority, or other body, with its consent, may apply to the Board of Trade for a provisional order authorizing the construction of a tramway. The provisional order, if granted, is to be submitted to Parliament for confirmation.

The Tramways Orders Confirmation Act, 1879 (42 & 43 Vict. c. 193), provides that the Board of Trade may license the use of steam or mechanical power on tramways, subject to the consent of the local and road authorities.

FIRE BRIGADE ACT.

The Metropolitan Fire Brigade Act, 1865 (28 & 29 Vict. c. 90), imposes on the Board the duty of extinguishing fires

and protecting life and property in case of fire in the metropolis. The plant and property of the fire-engine establishment of the insurance companies are transferred to the Board. The expenses of carrying out the Act are to be met partly by contributions from the Government and the fire insurance companies, and partly by a rate of $\frac{1}{3}$ d. in the pound on the metropolis.

INFLAMMABLE AND EXPLOSIVE SUBSTANCES ACTS.

The Petroleum Act, 1871 (34 & 35 Vict. c. 105).—Under this Act, petroleum and other similar oils which give off an inflammable vapour below a certain temperature are only to be kept or sold with a licence from the local authority. Regulations are made respecting the conveyance and storage of petroleum, and there are provisions for the testing of the oils and for penalties in case of contravention of the statute. The local authority for the metropolis (except the City of London) is the Metropolitan Board.

The Petroleum Act, 1879 (42 & 43 Vict. c. 47), amends the provisions of the Act of 1871, as regards the temperature of the oils and the mode of testing them.

The Petroleum (Hawkers) Act, 1881 (44 & 45 Vict. c. 67), prescribes the conditions under which petroleum may be sold by hawkers in the streets.

The Explosives Act, 1875 (38 Vict. c. 17), empowers the Board to grant licences for the storage of gunpowder in the metropolis, and also requires that persons applying to the Secretary of State for a licence to establish a new factory or magazine for gunpowder shall apply to the Board for its consent thereto.

SANITARY ACTS.

The Infant Life Protection Act, 1872 (35 & 36 Vict. c. 38), imposes on the Board the duty of keeping a register of all houses in the metropolis in which persons receive for hire or reward more than one child, or in the case of twins more than two children, under the age of one year, for the purpose of nursing.

The Slaughterhouses, &c. (Metropolis), Act, 1874 (37 & 38 Vict. c. 67), authorises the Board to make bye-laws for the

regulation of certain businesses considered offensive, and prohibits the establishment anew of some of the more offensive kind.

The Contagious Diseases (Animals) Act, 1878 (41 & 42 Vict. c. 74), has for its object the prevention of the introduction or spread of contagious diseases among cattle or other animals in Great Britain. The local authorities are empowered to declare places infected, and are to appoint inspectors to visit places where disease exists, and to cause all animals affected with pleuro-pneumonia to be slaughtered, paying compensation to the owners. The good management of cowsheds, dairies and milkshops is also provided for. The Board is the local authority for the metropolis, and the city of London is required to pay its share of the Board's expenses in carrying out the Act.

The Contagious Diseases (Animals) Act, 1886 (49 & 50 Vict. c. 32), amends in certain particulars the last-mentioned Act. Among other things it transfers to the Local Government Board the powers vested by the Act of 1878 in the Privy Council, with respect to cowsheds, dairies and milkshops.

The Disused Burial Grounds Act, 1884 (47 & 48 Vict. c. 72), prohibits the erection of any buildings upon a disused burial ground except for the purpose of enlarging a place of worship. The duty of enforcing the observance of this Act in the metropolis devolves upon the Board, under section 56 of the Metropolitan Board of Works (Various Powers) Act, 1885.

OTHER GENERAL AND SPECIAL ACTS.

The Superannuations (Officers, Metropolitan Vestries and District Boards) Act, 1866 (29 Vict. c. 31).—This Act empowers the Board to grant superannuation allowances to its officers.

The Metropolitan Subways Act, 1868 (31 & 32 Vict. c. 80), authorises the Board to require gas and water companies to place their pipes in the subways made for that purpose.

The Lee Conservancy Act, 1868 (31 & 32 Vict. c. 154), is for the purpose of making better provision for the preservation and improvement of the river Lee and its tributaries. It provides for the incorporation of a Conservancy Board of

thirteen members, one of whom is to be appointed by this Board.

The Monuments (Metropolis) Act, 1878 (41 & 42 Vict. c. 29), places the Egyptian Obelisk under the care of the Board, and empowers the Board to preserve that and other monuments on the Thames Embankments.

The Highways and Locomotives Amendment Act, 1878 (41 & 42 Vict. c. 77), empowers the Board to make bye-laws to regulate the use of steam locomotives on the highways in the metropolis.

The Metropolitan Board of Works (District Railway) Ventilators Act, 1883 (46 & 47 Vict. c. 191), requires the Metropolitan District Railway Company to close certain ventilating shafts made in the public thoroughfares under the powers of the company's Act of 1881, and provides that the Board shall pay to the company the cost of making and closing such shafts.

The Metropolitan Board of Works (District Railway Ventilators) Act, 1884 (47 & 48 Vict. c. 95), requires the railway company to close a ventilating shaft in the carriage-way of the Victoria Embankment, and authorises the formation of a shaft in another situation adjacent in place thereof.

BOARD'S VARIOUS POWERS ACTS.

The Metropolitan Board of Works Act, 1874 (37 & 38 Vict. c. 97), empowers the Board to construct a new road near Finsbury Park; authorises the admission of the sewage of South Hornsey into the main drainage system; and authorises the Board to pay certain expenses incurred on the occasion of the national thanksgiving, 27th February, 1872.

The Metropolitan Board of Works (Various Powers) Act, 1875 (38 & 39 Vict. c. 179), sanctions an arrangement made with the Duchy of Lancaster for the formation of a new approach from the Strand to the Victoria Embankment through the Savoy; also an arrangement with respect to certain roads to be made by the Board at Finsbury Park. The Act also empowers the Board to undertake the care and management of Tooting Graveney Common, and contains a few other miscellaneous provisions.

The Metropolitan Board of Works (Various Powers) Act, 1876 (39 & 40 Vict. c. 79), authorises the Board to form a new street from Sun Street to Worship Street, at the joint expense of the Board and the Vestry of Shoreditch, and also to undertake the maintenance and lighting of the wall of the Chelsea Embankment, the adjacent footway, and the ornamental grounds.

The Metropolitan Board of Works Act, 1877 (40 Vict. c. 8), authorises the Board to consolidate the bye-laws made for the regulation of the various parks and open spaces under the Board's control, and to contribute towards the cost of a recreation-ground to be provided by the Lewisham District Board at Sydenham.

The Metropolitan Board of Works Indemnity Act, 1879 (42 & 43 Vict. c. 68), empowers the Board to pay the expenses incurred in promoting, in the previous session of Parliament, two bills relating to the water supply of the metropolis.

The Metropolitan Board of Works (Various Powers) Act, 1882 (45 Vict. c. 56), authorises the Board to widen a further portion of Tooley Street; to take over from the Vestry of Camberwell the management of Peckham Rye, Goose Green, and Nunhead Green; to make an exchange of land for the improvement of Tooting Beck Common; to make bye-laws for regulating the traffic on the bridges and embankments; and to sanction temporary flood works. The Act also extends the time for the sale of the surplus lands in Northumberland Avenue.

The Metropolitan Board of Works (Various Powers) Act, 1884 (47 & 48 Vict. c. 223), empowers the Board to make a new street in continuation of Clarence Road, Kentish Town, and a new street to connect Cotton Street and Preston's Road, Poplar. Half the cost of the last-mentioned street is to be borne by the Poplar District Board. The Act extends and amends in certain particulars the provisions of the Street Improvements Act of 1877, authorises the purchase of a small piece of land to be added to Plumstead Common, and provides for the acquisition by the Board of all existing rights over any of the Hackney Commons.

The Metropolitan Board of Works (Various Powers) Act,

1885 (48 & 49 *Vict. c. 167*), empowers the Board to make a new street from Gray's Inn Road, to St. John Street Road; to establish a free ferry across the Thames at Woolwich; to acquire by purchase certain land at Highbury, and, by gift from the Governors of Dulwich College, certain land at Dulwich, for the purposes of public recreation; and to effect with the London School Board a small exchange of land at Plumstead Common. The Act also imposes on the Board the duty of enforcing the observance of the Disused Burial Grounds Act, 1884.

The Metropolitan Board of Works (Various Powers) Act, 1886 (49 & 50 *Vict. c. 112*), empowers the Board to widen the entrance to Coldharbour Lane from Denmark Hill, in the parish of Lambeth, and to open up a line of communication between Little Chatham Street and New Kent Road, in the parish of Newington, at the joint expense of the Board and of the Vestries of Lambeth and Newington respectively; to make an approach by stairs from the Victoria Embankment to Charing Cross Bridge; to acquire Little Wormwood Scrubs; and to make certain arrangements with reference to the land conveyed to the Board under the Act of 1885 for a park at Dulwich. The Act further provides that Deptford Creek Bridge shall in future be under the sole control of the Board, and extends the time for the acquisition of land and the completion of works under the powers of the Street Improvements Act of 1877 and the Metropolitan Bridges Act of 1881.

The Metropolitan Board of Works (Various Powers) Act, 1887 (50 & 51 *Vict. c. 196*), empowers the Board to make a bridge over the Grand Surrey Canal at Canterbury Road, towards the cost of which the Camberwell Vestry and the Greenwich District Board are to contribute; also to widen Elm Street between Gray's Inn Road, and Mount Pleasant; it transfers to the Board the control and management of Wandsworth Common; provides for small additions of ground to Bostall Heath and Brook Green; empowers the Board to purchase and maintain Ravenscourt Park, Hammer-smith; enables the Lewisham District Board to acquire and maintain a recreation ground at Penge, and authorises the Metropolitan Board to contribute towards the cost; empowers the Board to arrange with the local authority of one of the

adjacent districts for the drainage of an outlying part of Clerkenwell parish at Muswell Hill; empowers the Board to provide urinals and waterclosets in and upon the parks and open spaces; and extends the time allowed for the compulsory purchase of land and the completion of works authorised by various Acts.

LOCAL GOVERNMENT ACT, 1888.

Local Government Board, Whitehall, S. W.,
17th August, 1888.

SIR,—I am directed by the Local Government Board to draw the attention of the Court of Quarter Sessions to the provisions of the Local Government Act, 1888, relative to the constitution of county councils.

Section 1 directs that a council shall be established in every administrative county as defined by the Act, and be entrusted with the management of the administrative and financial business of that county, and shall consist of the chairman, aldermen, and councillors. By section 2 it is enacted that the council of a county, and the members thereof, shall be constituted and elected and shall conduct their proceedings in like manner, and be in the like position in all respects, as the council of a borough divided into wards, subject, nevertheless, to the provisions of the Act, and in particular to certain provisions set out in the section. So far as these provisions relate to the aldermen and councillors, it is only necessary here to refer to one of them, viz., that which directs that the divisions of the county for the purpose of the election of county councillors shall be called electoral divisions and not wards, and that one councillor only shall be elected for each electoral division.

It should be stated that the expression “administrative county” means the area for which a county council is elected in pursuance of the Act, but does not (except where expressly mentioned) include a county borough, *i.e.*, any borough mentioned in the Third Schedule to the Act. These boroughs are for the purposes of the Act made counties of themselves.

As regards the number of the county councillors, and the boundaries of the electoral divisions in every county, sub-section (3) of section 2 directs—

- (a) That the number of the county councillors, and their apportionment between each of the boroughs which have sufficient population to return one councillor and the rest of the county, shall be such as the Local Government Board may determine ;

- (b) That any borough returning one councillor only shall be an electoral division ; and
- (c) That in the rest of the county the electoral divisions shall be such as in the case of a borough returning more than one councillor the council of the borough, and in the rest of the county the quarter sessions for the county, may determine ; subject in either case to the directions enacted by the Act ; and in the case of elections after the first, to any alterations made in accordance with such directions, in manner in the Act mentioned.

In pursuance of the power conferred upon them by the Act, the Board have issued Orders determining the number of the county councillors for each county, and their apportionment between each of the boroughs which have sufficient population to return one councillor, and the rest of the county. Six copies of the Order relating to your county are enclosed. It will of course be understood that the number of councillors prescribed by the Order does not include the county aldermen.

It will now devolve on the town council of each of the boroughs returning more than one councillor, and, in so much of the administrative county as is not comprised in a borough returning one or more councillors, on the court of quarter sessions for the county, to determine the electoral divisions, subject to the directions enacted by the Act.

The Act requires that the electoral divisions for the first election shall be fixed *on or before the 8th November next*, and it provides that in the constitution of electoral divisions of a county, whether for the first election or for subsequent elections, the following directions shall be observed :—

- (1.) The divisions must be arranged with a view to the population of each division being, so nearly as conveniently may be, equal, regard being had to a proper representation both of the rural and of the urban population, and to the distribution and pursuits of the population, and to area, and to the last published census for the time being, and to evidence of any considerable change of population since the census was taken ;
- (2.) Electoral divisions must, so far as may be reasonably practicable, be framed so that every division shall

be a county district, (*i.e.*, an urban or rural sanitary district,) or a ward, or a combination of county districts or wards, or be comprised in one county district or ward. But where an electoral division is a portion of a county district or ward, and such portion has not a defined area for which a separate list or part of a list of voters is made under the Acts relating to the registration of electors, it must, until a new register of electors is made, continue to be part of the district or ward of which it has been treated as being part in the then current register of electors ;

- (3.) Whenever under these provisions a county district is divided into two or more portions, every such portion must, as far as possible, consist of an entire parish or of a combination of entire parishes ;
- (4.) In determining the electoral divisions for the first election, the foregoing provisions will apply as if, where a rural sanitary district is situate in more than one county, each portion of the district which is situate in the same county were a county district. Any such portion may be combined with a county district, or portion of a county district, although not adjoining.

The term "ward" is not defined by the Act, but for the present purpose the Board understand it to mean a ward formed for the election of the members of any urban sanitary authority.

The general principle of the directions mentioned above appears to the Board to be that the electoral divisions are to be so formed as not to overlap an urban sanitary district, ward, or rural sanitary district, except in so far as may be necessary for giving effect to the provisions contained in the paragraph numbered (1). Regard is also to be had to the boundaries of parishes, and the Board may point out that where a parish is situate partly within and partly without a borough or urban sanitary district, each part is to be considered as a separate parish for this purpose.

The Board may observe that in some counties there are boroughs which, although they have not sufficient population

to enable them to return a councillor, yet form parts of county districts, to which separate representatives might properly be assigned. In any such case it will of course be competent for the court of quarter sessions to form the county district into an electoral division.

In each of the cases last referred to, it will shortly devolve on the Board to issue a provisional order under the Act determining the future area of the county district in such a manner that the town council will become the district council. Where it is probable that the boundaries of the borough will be by this means extended, it might manifestly have been productive of inconvenience and have necessitated the future alteration of the electoral divisions of the county, if a councillor had been assigned to the borough, before its boundaries had been extended.

The first council elected under the Act for any administrative county is to be elected for the county at large as bounded at the passing of the Act for the purpose of the election of members to serve in Parliament for the county. This provision, however, is subject to the following exceptions:—

- (1.) It does not apply to the boundary between two administrative counties which are portions of one entire county, and in case of those administrative counties, the boundary between the portions, as existing for the purposes of county rate, will, subject to any change made by or in pursuance of the Act, be the boundary of the administrative county for which the council is elected.
- (2.) Where an urban sanitary district is situate partly within and partly without the boundary of such county, the district is to be deemed to be within that county which contains the largest portion of the population of the district, according to the census of 1881.
- (3.) The wapentake of the ainsty of York (except so much as is included in the municipal borough of York, as extended by the York Extension and Improvement Act, 1884) is for all purposes of the Local Government Act to be deemed to be part of the west riding of the county of York.

If any difference arises as to the county which contains the largest portion of the population of an urban sanitary district situate in two or more counties, the difference is to be referred to the Board, whose decision will be final.

These provisions do not apply to the administrative county of London, nor to any county borough; and any place which, though forming part of a county borough for the purposes of the election of members to serve in Parliament, is not within the municipal boundary of the borough, will, for the present purpose, form part of the county in which the place is situate.

It will be seen that the area for which a county council is to be elected, and in which, therefore, electoral divisions must be formed by the court of quarter sessions, will not necessarily be the same as the area hitherto subject to the jurisdiction of the court. For, as already stated, an urban sanitary district situate partly within and partly without the county is to be deemed to be within that county which contains the largest portion of its population, and the part of any district thus brought into the administrative county must, in constituting electoral divisions, be dealt with by the court of quarter sessions of that county only, unless it forms part of a borough which will return one or more councillors, in which case the electoral divisions will have to be determined by the town council, and not by quarter sessions. Moreover, for all purposes of the Act, every liberty and franchise of a county, wholly or partly exempt from contribution to the county rate, is, subject to certain exemptions which are not material for the present purpose, made part of the county in which it is included for Parliamentary elections. The Cinque Ports, and two ancient towns, and their members, are also, for all the purposes of the county council, and of the powers and duties of quarter sessions under the Act, to form part of the county in which they are respectively situate. In all these cases it will devolve upon the court of quarter sessions of the county to deal with the areas in question in forming electoral divisions, except in so far as the area may be included in a county borough, or in any borough which will return one or more councillors.

The courts of quarter sessions for the counties of Middle-

sex, Surrey, and Kent respectively, will form the electoral divisions in so much of those counties as is situate outside the metropolis, and is not comprised in a county borough, or in any borough returning one or more councillors.

The ridings of Yorkshire, the divisions of Lincolnshire, the eastern and western divisions of Sussex, under the County of Sussex Act, 1865, the eastern and western divisions of Suffolk, the liberty of the Isle of Ely, and the rest of the county of Cambridge, the soke of Peterborough, and the rest of the county of Northampton, constitute separate administrative counties for the purposes of the Act, and it will devolve on the courts of quarter sessions having jurisdiction in these areas to form electoral divisions in so much of them respectively as is not included in any borough with sufficient population to return one or more councillors.

The Scilly Isles are not to be included in any electoral division of the county of Cornwall.

It is obvious that in fixing the electoral divisions in accordance with the directions contained in the Act, regard must be had to the areas for which separate lists or parts of lists of voters have been made, so that the electoral divisions may be formed in such a way that there will be no difficulty in ascertaining who are the electors entitled to vote in each division. The Board are desirous of drawing special attention to this point. They are empowered by the Act, in the case of the first election, to authorise an electoral division to return two or more members in any case where the difficulties arising out of the registers of voters, and the population of any area appear to render it necessary, and they may also authorise portions of two or more county districts or wards for which a separate register can be made, to be united for the purpose of an electoral division. The Board think, however, that these powers should only be resorted to in very exceptional cases.

I am, Sir,

Your obedient Servant,

WALTER H. LONG,

Secretary.

The Clerk of the Peace.

LOCAL GOVERNMENT ACT, 1888.

Local Government Board, Whitehall, S.W.,
17th August, 1888.

SIR,—I am directed by the Local Government Board to draw the attention of the Town Council to the provisions of the Local Government Act, 1888, relative to the constitution of county councils.

[The Circular, after setting forth the provisions of sections 1 and 2 of the Act with the observations of the Board thereon, in identical terms with the Circular to the Clerk of the Peace, *ante*, pp. 343, 344, proceeds:]

In pursuance of the power conferred upon them by the Act, the Board have issued Orders determining the number of the county councillors for each county, and their apportionment between each of the boroughs which have sufficient population to return one councillor and the rest of the county. Three copies of the Order, relating to the county in which your borough is situate, are enclosed. It will of course be understood that the number of councillors prescribed by the Order does not include the county aldermen.

It will now devolve on the town council of each of the boroughs returning more than one councillor, and in so much of the administrative county as is not comprised in a borough returning one or more councillors on the court of quarter sessions for the county, to determine the electoral divisions subject to the directions enacted by the Act.

The Act requires that the electoral divisions for the first election shall be fixed *on or before the 8th November* next, and it provides that in the constitution of electoral divisions of a county, whether for the first election or for subsequent elections, the following directions shall be observed:—

- (1.) The divisions must be arranged with a view to the population of each division being, so nearly as conveniently may be, equal, regard being had to a proper representation both of the rural and of the

urban population, and to the distribution and pursuits of the population, and to area, and to the last published census for the time being, and to evidence of any considerable change of population since the census was taken.

- (2.) Electoral districts must, so far as may be practicable, be framed so that every division shall be a county district (*i. e.*, an urban or rural sanitary district), or a ward, or a combination of county districts, or wards, or be comprised in one county district or ward. But where an electoral division is a portion of a county district or ward, and such portion has not a defined area for which a separate list or part of a list of voters is made under the Acts relating to the registration of electors, it must, until a new register of electors is made, continue to be part of the district or ward of which it has been treated as being part in the then current register of electors.
- (3.) Whenever, under the provisions of the section, a county district is divided into two or more portions, every such portion must, as far as possible, consist of an entire parish or of a combination of entire parishes.
- (4.) In determining the electoral divisions for the first election, the foregoing provisions will apply as if, where a rural sanitary district is situate in more than one county, each portion of the district which is situate in the same county were a county district. Any such portion may be combined with a county district, or portion of a county district, although not adjoining.

The general principle of the directions mentioned above, appears to the Board to be that the electoral divisions are to be so formed as not to overlap a sanitary district or ward, except in so far as may be necessary for giving effect to the provisions set forth in the paragraph numbered (1). Regard is also to be had to the boundaries of parishes, and the Board may point out that where a parish is situate partly within and partly without a borough or urban sanitary district, each part is to be considered as a separate parish for this purpose.

It is obvious that, in fixing the electoral divisions in accordance with the directions contained in the Act, attention must be paid to the areas for which separate burgess lists, or parts of such lists, have been made, so that the electoral divisions may be formed in such a way that there will be no difficulty in ascertaining who are the electors entitled to vote in each division. The Board are desirous of drawing special attention to this point. They are empowered by the Act, in the case of the first election, to authorise an electoral division to return two or more members in any case where the difficulties arising out of the registers of voters and the population of any area appear to render it necessary, and they may also authorize portions of two or more county districts or wards for which a separate register can be made, to be united for the purpose of an electoral division. The Board think, however, that these powers should only be resorted to in very exceptional cases.

I am, Sir, your obedient Servant,

WALTER H. LONG, *Secretary.*

The Town Clerk.

ORDER OF THE LOCAL GOVERNMENT BOARD

As to Certain Proceedings in Boroughs at First Election of County Councillors, made pursuant to the powers given by sect. 108 of the Local Government Act, 1888.

To the Returning Officers for the First Election of County Councillors for the several Administrative Counties in England and Wales other than the County of London ; to the Mayor, Aldermen, and Burgesses of the several Boroughs in England and Wales, other than County Boroughs ; and to all others whom it may concern.

[After reciting, amongst other things, that "a difficulty has arisen as to the person by whom, prior to the taking of the poll at an election of a county councillor in any electoral division which is either co-extensive with or wholly comprised in a borough, the proceedings to be taken and things to be done in relation to such election should respectively be taken and done," the order proceeds:]

Now therefore, in pursuance of the powers given to us in that behalf, we hereby order as follows:—

ARTICLE I.—For the purposes of the first election of a county councillor for an electoral division which is either co-extensive with or wholly comprised in a borough, the mayor and town clerk of the borough respectively, subject as regards the mayor to the revision by the county returning officer of any decision of an objection, shall, in relation to the said election, have, with regard to all matters provided for in Parts II. and III. of the third schedule to the Municipal Corporations Act, 1882, and all other matters prior to the day of the poll, the same powers and duties as they respectively have in relation to the election of councillors of the borough, and that although no writ has been directed to them or either of them from the county returning officer.

ARTICLE II.—The Local Government Act, 1888, and the enactments thereby applied, shall be modified, so far as is necessary for the purpose of giving effect to this order.

ARTICLE III.—In this order the expression “the mayor” shall include any alderman chosen in pursuance of section 67 (1) of the Municipal Corporations Act, 1882, as applied by section 75 of the Local Government Act, 1888, to execute the powers and duties of the mayor. Any other expressions in this order shall have the same meaning as in the said Local Government Act.

Given under the seal of office of the Local Government Board, this fourteenth day of December, in the year one thousand eight hundred and eighty-eight.

[L.S.]

CHAS. S. RITCHIE, *President.*

HUGH OWEN, *Secretary.*

NOTE:—“The order will not, except so far as it expressly confers powers on the mayor and town clerk, interfere with the functions of the county returning officer. Thus it will still rest with that officer to fix the day for the first election of county councillors throughout the entire administrative county, including the boroughs which it contains, and it will still be necessary for him to direct a writ, under section 75 (6) of the Local Government Act, with respect to the action of the returning officer in connection with the taking of the poll and the subsequent proceedings at the election.”—*Circular of Local Government Board, 15th December, 1888, accompanying the Order.*

COUNTY COUNCILS.

—◆—

The number of Councillors for each County Council, as fixed by separate Orders of the Local Government Board issued to each county in England and Wales, is as follows :—

ENGLAND.			
<p>BEDFORD—</p> <p>Bedford 6</p> <p>Dunstable 2</p> <p>Luton 7</p> <p>Remainder of County .. 36</p> <p style="text-align: right;">Total 51</p> <p>BERKS—</p> <p>Abingdon 2</p> <p>Maidenhead 2</p> <p>Newbury 3</p> <p>New Windsor 3</p> <p>Wallingford 1</p> <p>Wokingham 1</p> <p>Remainder of County .. 39</p> <p style="text-align: right;">Total 51</p> <p>BUCKS—</p> <p>Buckingham 1</p> <p>Chipping Wycombe .. . 3</p> <p>Remainder of County .. 47</p> <p style="text-align: right;">Total 51</p> <p>CAMBRIDGE (exclusive of ISLE OF ELY)—</p> <p>Cambridge 14</p> <p>Remainder of Division .. 34</p> <p style="text-align: right;">Total 48</p> <p>CAMBRIDGE (ISLE OF ELY DIVISION)—</p> <p>Wisbech 6</p> <p>Remainder of Division .. 36</p> <p style="text-align: right;">Total 42</p> <p>CHESTER—</p> <p>Congleton 1</p> <p>Crewe 3</p> <p>Hyde 3</p> <p>Macclesfield 4</p> <p>Stalybridge 3</p> <p>Remainder of County .. 43</p> <p style="text-align: right;">Total 57</p>	<p>CORNWALL—</p> <p>Bodmin 1</p> <p>Falmouth 1</p> <p>Helston 1</p> <p>Launceston 1</p> <p>Liskeard 1</p> <p>Penryn 1</p> <p>Penzance 2</p> <p>St. Ives 1</p> <p>Truro 2</p> <p>Remainder of County .. 55</p> <p style="text-align: right;">Total 66</p> <p>CUMBERLAND—</p> <p>Carlisle 8</p> <p>Workington 3</p> <p>Remainder of County .. 49</p> <p style="text-align: right;">Total 60</p> <p>DERBY—</p> <p>Chesterfield 2</p> <p>Glossop 3</p> <p>Ilkeston 2</p> <p>Remainder of County .. 53</p> <p style="text-align: right;">Total 60</p> <p>DEVON—</p> <p>Barnstaple 2</p> <p>Bideford 1</p> <p>Clifton, Dartmouth, Hardness 1</p> <p>Tiverton 2</p> <p>Remainder of County .. 72</p> <p style="text-align: right;">Total 78</p> <p>DORSET—</p> <p>Bridport 2</p> <p>Dorchester 2</p> <p>Lyme Regis 1</p> <p>Poole 3</p> <p>Shaftesbury 1</p> <p>Wareham 1</p> <p>Weymouth & Melcombe Regis 3</p> <p>Remainder of County .. 44</p> <p style="text-align: right;">Total 57</p>		

DURHAM—				LANCASTER—continued.			
Darlington	4	Clitheroe	1	Darwen	2	Heywood	1
Durham	2	Lancaster	1	Jarrow	3	Middleton	1
Hartlepool	2	Mossley	1	Stockton-on-Tees	4	Southport	2
West Hartlepool	3	Warrington	3	Remainder of County..	54	Remainder of County..	85
Total	72	Total	105				
ESSEX—				LEICESTER—			
Chelmsford	1	Loughborough	3				
Colchester	3	Remainder of County..	51				
Harwich	1	Total	54				
Maldon	1	LINCOLN (HOLLAND)—					
Saffron Walden	1	Boston	7				
Remainder of County..	56	Remainder of parts of Holland	35				
Total	63	Total	42				
GLOUCESTER—				LINCOLN (KESTEVEN)—			
Cheltenham	6	Grantham	7				
Tewkesbury	1	Stamford	4				
Remainder of County..	53	Remainder of parts of Kesteven	37				
Total	60	Total	48				
HEREFORD—				LINCOLN (LINDSEY)—			
Hereford	8	Great Grimsby	6				
Leominster	2	Louth	2				
Remainder of County..	41	Remainder of parts of Lindsey	49				
Total	51	Total	57				
HERTS—				MIDDLESEX			
Hertford	2	.. .. . 54					
St. Albans	3	MONMOUTH—					
Remainder of County..	49	Monmouth	1				
Total	54	Newport	8				
HUNTS—				Remainder of County..			
Godmanchester	1	.. .. . 39					
Huntingdon	3	NORFOLK—					
St. Ives	2	King's Lynn	3				
Remainder of County..	33	Thetford	1				
Total	39	Remainder of County..	53				
KENT—				Total 57			
Deal	1	NORTHAMPTON (exclusive of the SOKE					
Dover	3	OF PETERBOROUGH)—					
Faversham	1	Brackley	1				
Folkestone	2	Daventry	1				
Gravesend	2	Remainder of County..	49				
Maidstone	3	Total	51				
Margate	2	NORTHAMPTON (SOKE OF PETER-					
Ramsgate	2	BOROUGH)—					
Rochester	2	Peterborough	20				
Remainder of County..	54	Remainder of Soke	10				
Total	72	Total	30				
LANCASTER—							
Accrington	2						
Ashton-under-Lyne	2						
Bacup	2						
Blackpool	1						
Chorley	1						

County Councils.

NORTHUMBERLAND—				SUFFOLK (EASTERN DIVISION)—			
Berwick-on-Tweed	..	..	3	Aldeburgh	..	..	1
Morpeth	..	..	1	Becoles	..	..	2
Tynemouth	..	..	9	Eye	..	..	1
Remainder of County	..	..	47	Lowestoft	..	..	6
			—	Southwold	..	..	1
Total	..	..	60	Remainder of Division	..	..	46
NOTTS—				Total 57			
East Retford	..	..	2	SUFFOLK (WESTERN DIVISION)—			
Newark	..	..	4	Bury St. Edmunds	..	..	6
Remainder of County	..	..	45	Sudbury	..	..	3
			—	Remainder of Division	..	..	39
Total	..	..	51	Total 48			
OXFORD—				SURREY—			
Banbury	..	..	1	Guildford	..	..	2
Chipping Norton	..	..	1	Kingston-on-Thames	..	..	3
Henley-on-Thames	..	..	1	Reigate	..	..	3
Oxford	..	..	11	Remainder of County	..	..	49
Remainder of County	..	..	43				—
Total	..	..	57	Total 57			
RUTLAND 21				SUSSEX (EASTERN DIVISION)—			
SALOP—				Eastbourne			
Bridgnorth	..	..	1	..	..	..	5
Ludlow	..	..	1	Lewes	..	..	3
Oswestry	..	..	2	Rye	..	..	1
Shrewsbury	..	..	5	Remainder of Division	..	..	42
Wenlock	..	..	4				—
Remainder of County	..	..	38	Total 51			
Total	..	..	51	SUSSEX (WESTERN DIVISION)—			
SOMERSET—				Arundel			
Bridgewater	..	..	2	..	..	..	1
Glastonbury	..	..	1	Chichester	..	..	3
Taunton	..	..	2	Remainder of Division	..	..	41
Wells	..	..	1				—
Yeovil	..	..	1	Total 45			
Remainder of County	..	..	59	WARWICK—			
Total	..	..	66	Leamington	..	..	4
SOUTHAMPTON—				Stratford-on-Avon			
Andover	..	..	1	..	..	..	1
Basingstoke	..	..	1	Sutton Coldfield	..	..	1
Newport	..	..	2	Warwick	..	..	2
Romsey	..	..	1	Remainder of County	..	..	46
Ryde	..	..	2				—
Winchester	..	..	3	Total 54			
Remainder of County	..	..	65	WESTMORELAND—			
Total	..	..	75	Appleby	..	..	1
STAFFORD—				Kendal			
Burslem	..	..	3	..	..	..	8
Burton-on-Trent	..	..	4	Remainder of County	..	..	33
Lichfield	..	..	1				—
Longton	..	..	2	Total 42			
Newcastle-under-Lyme	..	..	2	WILTS—			
Stafford	..	..	2	Devizes	..	..	1
Stoke-upon-Trent	..	..	2	Malmesbury	..	..	1
Wednesbury	..	..	2	Marlborough	..	..	1
Remainder of County	..	..	57	Salisbury	..	..	3
			—	Remainder of County	..	..	54
Total	..	..	75	Total 60			

WORCESTER—				YORK (WEST RIDING)—			
Bewdley	..	..	.. 1	Barnsley	..	..	.. 2
Droitwich	..	..	.. 1	Batley	..	..	.. 2
Evesham	..	..	.. 1	Dewsbury	..	..	.. 2
Kidderminster	..	..	.. 4	Doncaster	..	..	.. 2
Remainder of County	..	..	.. 50	Harrogate	..	..	.. 1
			—	Keighley	..	..	.. 2
Total	..	..	.. 57	Morley	..	..	.. 1
YORK (EAST RIDING)—				Pontefract	..	..	.. 1
Beverley	..	..	.. 4	Ripon	..	..	.. 1
Remainder of Riding	..	..	.. 47	Rotherham	..	..	.. 2
			—	Wakefield	..	..	.. 2
Total	..	..	.. 51	Remainder of Riding	..	..	.. 72
YORK (NORTH RIDING)—							—
Richmond	..	..	.. 1	Total	..	..	.. 90
Scarborough	..	..	.. 6				
Remainder of Riding	..	..	.. 53				
			—				
Total	..	..	.. 60				

WALES.

ANGLESEY—				DENBIGH— <i>continued.</i>			
Beaumaris	..	..	.. 2	Wrexham	..	..	.. 4
Remainder of County	..	..	.. 40	Remainder of County	..	..	.. 40
			—				—
Total	..	..	.. 42	Total	..	..	.. 48
BRECKNOCK—				FLINT—			
Brecknock	..	..	.. 5	Flint	..	..	.. 3
Remainder of County	..	..	.. 40	Remainder of County	..	..	.. 39
			—				—
Total	..	..	.. 45	Total	..	..	.. 42
CARDIGAN—				GLAMORGAN—			
Aberystwith	..	..	.. 4	Aberavon	..	..	.. 1
Cardigan	..	..	.. 2	Neath	..	..	.. 2
Lampeter	..	..	.. 1	Remainder of County	..	..	.. 63
Remainder of County	..	..	.. 41				—
			—	Total	..	..	.. 66
Total	..	..	.. 48	MERIONETH 42			
CAERMARTHEN—				MONTGOMERY—			
Cardmarthen	..	..	.. 4	Llanfyllin	..	..	.. 1
Kidwelly	..	..	.. 1	Llanidloes	..	..	.. 2
Llandovery	..	..	.. 1	Montgomery	..	..	.. 1
Remainder of County	..	..	.. 45	Welshpool	..	..	.. 4
			—	Remainder of County	..	..	.. 34
Total	..	..	.. 51				—
CARNARVON—				Total 42			
Bangor	..	..	.. 4	PEMBROKE—			
Carnarvon	..	..	.. 4	Haverfordwest	..	..	.. 3
Conway	..	..	.. 1	Pembroke	..	..	.. 7
Pwllheli	..	..	.. 1	Tenby	..	..	.. 2
Remainder of County 38	Remainder of County 36
			—				—
Total 48	Total 48
DENBIGH—				RADNOR 24			
Denbigh 3				
Ruthin 1				

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